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# COMPARATIVE LOCAL GOVERNMENT

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# COMPARATIVE LOCAL GOVERNMENT

*by*

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## PREFACE

IN a previous book of mine, *Local Government in Many Lands*, I devoted each chapter to a brief description of the existing system of local government in thirty-three countries. Shortly before the outbreak of the last war, I had arranged for the publication, and had almost completed the preparation, of a third edition of that work. Of course, the publication could not be carried out during the war and, after its conclusion, I realized that, owing to the chaotic condition of local government in so many countries, it was not possible for the time being to deal with the subject on the same lines.

The present work, therefore, may be said to take the place of the former. I do not pretend to have been able to deal in it with every country on the same footing, though, where a local government system is fairly established, I have done my best to indicate its main characteristics under the headings which I have chosen.

In some countries, of course, the local government systems are fundamentally the same as they were. For these, I must admit to having quoted largely from the book I have mentioned and from other books which I have written on the same subject. As regards more recent material, I have been able, as before, to obtain much information through the International Union of Local Authorities and correspondence with many foreign friends. In a few cases I have had to be mainly dependent upon books, and this applies in particular to Russia, a country of which I have had no personal experience. I was helped substantially by the great work of Sidney and Beatrice Webb (*Soviet Communism*), by the joint production of Sir Ernest and Lady Simon, Dr. W. A. Robson and Mr. Jewkes (*Moscow in the Making*) and by the publications of *Russia To-day*, but I owe most to the admirable section on the Soviet Union by Bertram W. Maxwell in *Local Government in Europe*, and I trust that he will forgive me for having made so much use of it.

To other writers from whom I have quoted I express my obligations. In every case I have give the title of the work and the names of the author and, if available to me, of the publishers.

I have also to thank, most cordially, my friend Emile Vinck, Director-General of the International Union of Local Authorities, who read through my book in manuscript and gave me much valuable advice.

G. MONTAGU HARRIS.

Torquay,

*June*, 1948.

## CHAPTER I

# UNDERLYING PRINCIPLES

### THE MEANING OF LOCAL GOVERNMENT

THE term "local government" may have one of two meanings. It may signify:

(1) the government of all parts of a country by means of local agents appointed, and responsible only to, the central government. This is local government of a kind, but is part of a centralized system and may be called "local State government"; or

(2) government by local bodies, freely elected, which, while subject to the supremacy of the national government, are endowed in some respects with power, discretion and responsibility, which they can exercise without control over their decisions by the higher authority. The extent of power, discretion and responsibility which the local bodies possess is a matter of degree, which varies considerably in the various countries. This is called, in many countries, "communal autonomy"; in others, "local self-government".

In most countries, both systems are to be found side by side, but, under the totalitarian régimes of Italy and Germany, the second was not allowed to exist.

Local State government and local self-government are sometimes, especially in France, described respectively as "deconcentration" and "decentralization", but, strictly and etymologically, both these words imply the devolution of powers from above. In some countries, of which Switzerland is an outstanding example, decentralization in this sense would not be accepted as a correct expression for the situation, since it is held that the communes or local authorities were historically anterior to the central government and therefore possess inherent rights of their own. The word, however, has come to be widely understood simply as the antithesis to "centralization".



### LOCAL STATE GOVERNMENT

Even in the most reactionary States, local government necessarily existed, for, in a large country, all the business of administration cannot be carried on from one centre. Therefore, local agents of the central government, centrally appointed, were made responsible to the central government for carrying out all or certain branches of administration within a particular area. Some description of this system will be given later in connection with the totalitarian States, and allusion will be made to its partial existence in other countries.

### LOCAL SELF-GOVERNMENT

There are two aspects of local self-government or communal autonomy, viz: (1) the relation of the local bodies to the central government; (2) their relation to the community. As regards the first, of course, complete independence is never expected, but as extensive a freedom as is compatible with a due subjection to the central government. The second aspect relates to the form of government, the extent to which the elected authority represents the community as a whole.

Historically, local self-government in the first sense existed in many countries before the second aspect was ever thought of. The charters of many British cities date back to the Norman kings. The parish is of even more ancient origin and was little interfered with by the central government (except as regards the Poor Law) until the nineteenth century.

Many cities of France acquired municipal liberties at least as early as most English cities, these liberties being guaranteed by charters, which were sometimes gained by force of arms, sometimes by mere bargaining, being in fact treaties or agreements with the feudal lords. Something of the same kind is to be found in other European countries. During the twelfth and thirteenth centuries the German towns probably enjoyed a greater measure of autonomy than ever before or since. Long before the Swiss Confederation came into existence, the communes and cantons had their own forms of government, which still survive. In the words of Professor Dr. Thürer in the course of a lecture: "In the beginning was the commune". (*Die Gemeinde autonomie.*)

In early times every Norwegian town had its assembly of householders, at the head of which was a royal official, to be later superseded by a municipal official with similar functions. In Sweden and Finland also (and not only in the towns) local self-government is of great antiquity. The *comitats* of Hungary were established as early as 1000 A.D. In Spain it is held that the municipality is no creation of the legislature, but that its existence was anterior to that of the State itself.

But far more ancient than any of these is the local self-government which existed in Indian villages even before the Christian era and is now being, to some extent, revived. It is, however, necessary, as Mr. John Matthai has said (*Village Government in British India*) "to get rid of the notion that the forms of western democratic communities, or anything really akin to them, were in operation in the Indian village community".

As regards the second aspect of local self-government (the participation of the whole community in the management of their own affairs) this is in most cases of quite modern date. It is often said that England is "the home of local government", but it must be remembered that, until well on in the nineteenth century, the local government was by no means democratic or representative. The municipal corporations, before the Act of 1835, were governed by oligarchies; in the rural districts, until 1888, local administration was almost entirely in the hands of justices of the peace, appointed by the Crown.

The ancient municipalities in most other European countries were also ruled by oligarchies, often hereditary.

## LOCAL SELF-ADMINISTRATION

A distinction must be drawn between the terms "local self-government" and "local self-administration". In the *Jahrbuch für Kommunalwissenschaft* for 1935, Dr. Harry Goetz, a principal official in the Kommunalwissenschaftliche Institut at the University of Berlin, contributed a closely reasoned article (published in English in an abridged form in *Local Government-Administration*, for March, 1936) on

*Kommunale Selbstverwaltung*, *Self-government*, *Lokalverwaltung*". It is to be observed that there is apparently no German word for "self-government"<sup>1</sup>—the word *Selbstverwaltung* is often used in its place, but there can be no doubt that *Verwaltung* strictly means no more than "administration". "*Selbstregierung*" is a better translation of self-government, but it is an expression that is seldom used.

It is Dr. Goetz's thesis that "self-government implies merely a form of communal administration"—in other words, that self-government is something less than self-administration. To the present writer, the case is precisely the contrary. Local self-administration exists wherever there is local self-government, but it may also exist where a local authority merely carries out the orders of a higher authority, more or less in its own way. Dr. Goetz, like most Germans, is unable to realize that local self-government implies government by the people themselves, through freely elected representatives. He goes so far as to say that, while it is necessary to local self-government that the power to frame a policy should vest in some organ, "it is immaterial what form this policy-framing organ takes. The power may be vested in an individual". This is the German view and has, ever since Stein's reforms were abrogated, been the German practice. It is not the view of anyone who looks upon self-government as government "of the people, for the people, and by the people".

## BASES OF SYSTEMS

It is proposed to give now a brief description of the principles on which the local government systems in the principal countries are based, whether those systems are centralized or not.

### ITALY

- In Fascist Italy all directly elected municipal bodies were abolished and, although in each commune and province there was a *consulta* or council, consisting of a certain number of

<sup>1</sup>Note. Nor is there any French word for it, unless *autonomie* is accepted.

local persons, the members of these councils were not representative of the people, but of certain groups or "corporations", and were appointed by the central government or its representative, the prefect. These councils possessed no power of any kind, not even that of meeting when they wished. The real power in each commune was in the hands of the *podestà*, who was appointed by royal decree and was not necessarily a local man. He might call his consulta together to advise him when he chose, and for certain purposes was required to do so, but was never obliged to follow their advice. Moreover, the *podestà* was entirely subject to the prefect and the prefect to the central government. This was therefore a system of complete centralization and "deconcentration".

## GERMANY

The distinction between local government and local self-government was very clearly marked in pre-Hitler Prussia, the two systems existing side by side, each with its own areas (which sometimes coincided and sometimes did not) and its own hierarchy of officials.

On the one hand there was the administration of "police" matters, which was in the hands of the *Regierungspräsident* of the province, the *Landrat* of the *Kreis* or county, and the burgomaster or other local official, nominated for this purpose. These officials were, so far as police matters were concerned (and they covered a very wide field) officials of the State, to which they were personally responsible. The burgomasters, therefore, occupied a dual position, being State officials for this purpose and at the same time representatives of the local self-governing authority.

All local matters not allocated to the police authorities were nominally administered by the local self-governing authorities, namely, the communes (*Gemeinden*), urban or rural, the towns (*Städte*) and the *Kreise* or counties, but in fact by the burgomasters or other heads.

The Prussian system (which existed in other German States, though not in all) was definitely bureaucratic. It is hard for a German to believe that a council or "collegiate body"

of any description can be responsible for anything. Always he wants to be able to point to one man as responsible—the Führer idea, though not the name, existed long before Hitler.

For a short time, early in the nineteenth century, a different spirit prevailed in Germany, owing to the reforming ardour of Freiherr von Stein, who even succeeded in effecting legislation in Prussia to implement the principles which he advocated. This did not last long, but the continuous influences on the public of Stein's views was such that, in the preamble to the *Deutsche Gemeindeordnung* of 1935, it was stated that this legislation was "in the true spirit of the creator of communal self-government, Freiherr von Stein".

It is a curious instance of German mentality that, in the very measure to which this was the preamble, Stein's principles were completely overthrown. He had shown himself to be a vehement opponent of bureaucracy. He strove to introduce a system under which the wishes of the local community regarding their own administration should prevail. He desired in all cases to have an executive body as a check upon the burgomaster, while this executive body was to be controlled by the elected representatives of the local population, who, in council, would be responsible for the passing of effective resolutions.

Unfortunately, Stein did not live long enough to see his system firmly established. In the very year of his death (1813) a new ordinance was issued reversing the relations between the council and the executive and making the latter the predominant partner. In subsequent years further encroachments were made upon the principles of representation, of free elections, of voting by ballot, until in 1935, in the name of Stein, all elected councils—and hence all participation by the public in their own local government—are swept away, the commune is directed by the higher authorities (advised by the Party agent) whom they are to appoint as burgomaster, and to this burgomaster is entrusted the entire responsibility for administration in every sense. In short, local government—for the whole of Germany—became a purely bureaucratic institution, under the direct control of the central government and the National-Socialist Party—centralization pure and

simple. In this way the "spirit of the creator of communal self-government" was carried into effect!

From the German point of view, administrative convenience and technical efficiency, subject to the supremacy of the State, were the necessary characteristics of a system of local government, and most European countries have taken much the same view. The current developments regarding local government in Germany, and in some other countries, will be dealt with in the final chapter.

### U.S.S.R.

The underlying principle of the Soviet system of local government appears to be the encouragement of the interest, participation and initiative of citizens in their local administration, while retaining complete central control and central direction of the general policy in all respects. More will be said about this in Chapter VIII.

According to Mr. Don Brown (*Soviet Local Government*) "the outstanding feature of Soviet administration is the integration of all national and local government bodies. This is such that Soviet law never uses the term 'local self-government', but the Constitution always refers to 'local organs of State power'. The classless nature of Soviet society makes possible this unanimity between the administrative and executive bodies at all stages, and the people who elect them".

### JAPAN

Japan, while adopting Western forms to a large extent, has adhered so definitely to strict central control in practice that the principle of local self-government cannot be said to have any force in that country.

### FRANCE

The principle upon which the modern French local government system is based is that of ensuring the unity of the nation—a France one and indivisible. It dates back to the year 1789. The departments were then created, to take the place of the former divisions such as Normandy, Brittany, Burgundy and the rest, which had so often warred against the French king

at Paris. At the same time it was decreed that there should be a commune for each city, town, parish or rural community, with an elected council and an elected mayor. Both Napoleon I and Napoleon III exercised autocratic powers over the appointment of mayors, but the elective system was revived by the Third Republic. The division of the country into departments has never been altered since it was first established. The insistence upon the unity of the nation and upon a form of local government which will ensure this has involved a very considerable measure of centralization, which will be more fully dealt with in the chapter on "Control".

#### BELGIUM AND HOLLAND

In these two countries the idea of "communal autonomy" seems to be a principle in itself, in spite of the fact that the appointment of burgomasters in both of them is in the hands of the Crown. Belgium, says a Belgian writer, M. Robert Wilkin, is a Union of Towns, and she can rightly claim that it was the strength of her communal system which preserved the good government of the country during the two World Wars.

#### SWITZERLAND

Of Switzerland it may fairly be said that the communes are the very basis of the State, the cantons having been built on the communes and the Federation on the cantons. It is observable that the Swiss Federal Constitution and Federal legislation generally take no account of the communes, each canton being responsible for the form and conduct of local government within its own area, which in most instances means a very large measure of autonomy in the local councils. Moreover, the citizens generally have a greater opportunity of governing both the policy and the administration of the local authorities than in any other country, as is explained in Chapter VIII.

#### HUNGARY

Hungary, on the other hand, recognizes a completely different principle, the "*Comitat*" (or county council) having

been the principal organ of local administration since the year 1000 A.D., all the communes being subject to it, and this is still the case except for the capital and the "county boroughs". Until 1848 the *Comitat* was definitely an organization of the nobility, but since that date it, and the system generally, has been somewhat democratized.

## PORTUGAL

The Portuguese Constitution of 1930 laid down general principles for both central and local government, of which the most important was the placing of spiritual values above material. The system of local government has since developed on unique lines. Representation is based, not on the individual, but on corporative organisms and the family. The idea of corporative representation was certainly taken from Mussolini's Italy, but the Portuguese principles are as definitely anti-Fascist as they are anti-Communist.

## OTHER EUROPEAN COUNTRIES

Of the other countries of continental Europe, although some, as already stated, can claim to have had some sort of municipal government from the Middle Ages, their existing systems were mostly established in the nineteenth and twentieth centuries. Some of them (e.g., Bulgaria and Denmark) have the satisfaction that their local government systems are a part of their constitutions. In other cases it depends on normal legislation, which has been amended from time to time. In almost every case the commune is the unit of government, as in France or Germany, and on this foundation (with many variations as regards the position of "county boroughs" and as regards the relation of the commune to the central government and to the intermediate authorities) systems have been formed on the principle of convenience of area and of local administration generally, with, as a rule, a greater tendency towards democratic representation and local responsibility than in the past.

## TURKEY

A system of democratic local government has been gradually



built up in modern Turkey, especially since the establishment of the Republic and the municipal legislation of 1930. The principle of the election of mayor by the municipal assembly was then adopted for the first time, and generally the form and powers of the local authorities were laid down on democratic lines. The respective functions of central and local government are distinguished by law. The Minister of the Interior makes no requirements on the municipalities; the mayor is in no sense his agent. Thus, local self-government seems to be soundly established.

### U.S.A.

In the United States, local government is looked upon as a business concern, much like any other, but one in which the general public should be encouraged to take an interest, while its functions should not be unduly increased. The attitude of Americans in this matter is perhaps due to some extent to a principle which has survived from old pioneering days, that "the less government the better". No doubt this point of view has been strengthened by the corruption and graft which have characterized American local government in the past and have led the public to give to their local authorities as restricted powers as possible and to prefer private enterprise to municipal in every case. This phase, however, is passing.

The "business character" of American local government may be illustrated by a quotation from a mayor's foreword to an annual report:—"The City of Albert Lea, a Corporation, through its Board of Directors, the City Council, presents to you citizen stockholders the ninth annual report under the Council-Manager charter. . . . In behalf of the City Council, I extend to you, as in the past, an invitation to attend council meetings. Your interest and advice, I can assure you, will be appreciated and is essential in assisting us to solve the many civic problems which confront us".

### GREAT BRITAIN AND THE DOMINIONS

When an Englishman speaks of local government, he really means local self-government. It never occurs to him that

local government can mean anything else. This is, generally speaking, the case also in the Dominions, but in India it is considered necessary to make it clear that it is local self-government which is in the minds of those concerned. Thus, in Bombay, a "Local Self-Government Institute" has been functioning most successfully since 1926, a "Punjab Local Self-Government Institute" was set up in 1936, while the Indian Union of Local Authorities at Delhi, also established in 1936, whereas it does not use the term in its title, calls its official organ the "Local Self-Government Review". It has to be remembered that in India the term "local government" applies technically to the provincial authorities.

In Great Britain (and, to a large extent, throughout the British Commonwealth of Nations) local government is looked upon as a school of politics, life and character, and it is even considered worth while to sacrifice a certain amount of efficiency if that is the only way of giving the local population, through their representatives, the power to carry on their own affairs. For, it is representative democracy which forms the basis of the British system, and it is important to note that, in Great Britain and the Dominions, it is the elected representatives, in council, who are fully responsible, not only for policy, but for day-to-day administration.

#### POLICY AND ADMINISTRATION

This characteristic of the British system has led to a confusion of thought. It obscures the fact that the determining of policy and the carrying-out of administration, even when conducted by the same body, are distinct functions.

Whereas, as has just been said, it is, in Great Britain, the same body which carries out both these functions, this is not the case in other countries. The "separation of powers"—i.e., of the legislative and the executive—has always been a matter of faith in the United States as regards every grade of government, and, in almost every country other than those within the British Commonwealth of Nations, the elected councils are expected to deal only with questions of policy, including financial policy, and in no way to concern themselves with the details of administration.

## THE EXECUTIVE

This being so, the responsibility for day-to-day administration must lie somewhere else than in the elected council, and it is to be found in the "executive"—an institution unknown to Great Britain, but in most other countries an important principle of government.

In pre-Hitler Prussia, the executive had two forms—in the west the burgomaster was himself the executive, in the east the executive was usually a body known as the *Magistrat*. This body was as a rule elected by the town council, usually for a longer period than the appointing council itself, and was mainly professional in character. The burgomaster was its chairman and exercised considerable influence over it.

It was the duty of the executive to enforce the decisions of the town council "in so far as it is in agreement therewith". This phrase in the Prussian ordinance is sufficient indication of the subordination of the elected body to its executive. A similar system existed in the counties and provinces. In the other States of pre-Hitler Germany much the same was to be found, except in Bavaria, where, under Acts of 1919 and 1927, the communal council had, as in England, full power and responsibility. Under the Nazi régime, there being no elected bodies, the question of an executive did not arise.

In other countries the executive is not always so independent of the elected council as it was in Germany, though the French *maire* is definitely the executive head of the municipality, while for the department as a whole, the prefect is the sole responsible executive official. In the towns of Belgium and Holland, the "College of Burgomaster and Aldermen" is the executive of the council. In both of these countries the burgomaster, who is appointed by the Crown, is chairman, the aldermen being elected by the communal council from among their own members. They are therefore not of the official type of the members of the German *Magistrat*. Individual aldermen are placed (usually by the burgomaster) at the head of different departments. In both Belgium and Holland there are provincial executive committees, appointed by the provincial councils.

In Norway and Sweden an executive committee, elected by the council, is usual. In Denmark the chief executive is

the mayor, sometimes assisted by a *Magistrat*, but it is the custom to give executive powers to different committees for their own purposes. The Crown-appointed prefect is the executive of the county council. In the larger communes of Switzerland there is usually an executive, consisting of a body of permanent officials.

In other European countries there is almost always an executive, consisting of members of the council or officials or both, but its power in relation to the council varies considerably. For instance, in Latvia the town council could, by a two-thirds majority, pass a vote of want of confidence in the executive as a whole or any member of it, in which case the executive or the member, as the case might be, had to resign.

In the Soviet Union, owing to the size of the city soviets, an executive is essential. This executive, known as a *presidium*, is elected by the city soviet out of its own members and numbers from eleven to seventeen, according to the size of the city. Members are eligible for re-election and sometimes hold office for several years. The village and other soviets also elect from among their members an executive committee, which, in the case of the *raion* must not exceed forty-five members.

The elected city councils in the United States are the local "legislatures" and must be kept entirely distinct from the "executive", which position, under the mayor-council system (which still prevails) is held by the mayor, elected "at large". Under the more recent council-manager system, the city manager, appointed by the elected council, is in practice the executive, though not so called.

An executive is seldom to be found in the British Dominions, but in New South Wales the mayor of a city or president of a shire is chief executive officer, with power to act for the council, and there is a "Board of Control" in some cities in the Canadian provinces of British Columbia, Ontario and Quebec. In British India there was in each municipality a chief executive officer, usually nominated by the provincial government, but in a few cases appointed by the municipal council.

In Great Britain it has become more and more common

to delegate powers to committees, which therefore become "executives" to a certain extent, but these powers can at any time be withdrawn by the council. It may be mentioned here that the English system of "standing committees" does not exist in any other country except the Soviet Union. "Commissions" are often appointed for a certain defined purpose, but cease to exist as soon as the purpose is accomplished.

### ALL-PURPOSES LOCAL AUTHORITY

One principle, which has gradually made its way of recent years into the British conception of local self-government, is that of the "compendious" or "all-purposes" local authority—in other words, the view that there should be no *ad hoc* local authorities, but that in each area all local government functions of whatever kind should be exercised by one and the same elected body. This principle is not fully realized except in the case of the county borough, for in the counties there is still the "three-tier" system of (a) county, (b) non-county borough or urban or rural district, and, in the rural districts, (c) the parish, but it is now the accepted view that all local self-governing powers in each area shall be exercised by one or other of these. The independently elected school boards were abolished in 1902, the boards of guardians in 1929.

This principle is not definitely recognized elsewhere, although in many countries it is followed in practice. In some, however, there is much recourse to *ad hoc* bodies, especially in Australia, New Zealand and Canada, while in the United States education is almost everywhere carried on by independent boards, and local areas with special district authorities are, in some states, created for a number of purposes.

In France *bureaux de bienfaisance* and other similar bodies, financially supported by local authorities, and on which local authorities are represented, are in effect local organs for carrying out departmental services in relation to public assistance and public health institutions. The *Zweckverbände* under Prussian law were joint committees of local authorities and therefore not independent *ad hoc* bodies. In Sweden there are "municipal communities", which are practically *ad hoc* authorities for different purposes.

## LOCAL FINANCE

The subject of finance is dealt with in a later chapter, but it would seem appropriate to mention here any general principles relating to it. These are difficult to find, except the general over-riding one that local finance must not be allowed to imperil the revenues of the central government—and it must always be remembered that, in a federal State, it is necessary to devise three separate tax systems, whereas the unitary States need only two.

It is to be observed that, in a paper submitted to the International Congress on the Administrative Sciences, held at Paris in 1927, M. Roger Bonnard (of Bordeaux) laid it down that "in addition to the conditions of productivity, elasticity and justice which are essential to any form of taxation, a system of local finance must also satisfy the following requirements:

(1) It must, as far as possible, include all kinds of impositions which are to be found in the State system and, indeed, be in effect a reduced reproduction of that system, in order that all taxpayers and all revenues may be called upon to contribute to the local charges.

(2) The burden of local taxation must be distinctly felt by the taxpayer and be distinguished by him from the burden of State taxes, in order to avoid increases in local expenditure and financial extravagance.

(3) The main portion of local taxation should be represented by impositions of general application, in view of the desirability of uniformity among the localities as regards financial charges.

(4) The local impositions must be such that their assessment and levy can be carried out by the State services, since the majority of the local authorities are not in a position to exercise these functions".

MM. Wibaut (Holland) and Sellier (France), in their General Report to the International Congress of Local Authorities, 1929, said: "All interested in local finance, theoretically or practically, recognize that the safest method of obtaining the necessary income is by a combination of several impositions, substantially different in character. A system of impositions must be devised, falling first upon the local residents who have more or less interest in the good organization

of local life, and then obtaining by efficacious and generally simple means some contribution from non-inhabitants of the locality, not regularly employed there, but enjoying local services as visitors or short-term residents. In most systems an endeavour is made to adjust impositions to individual capacity to pay by making them progressive in character”.

There are two principles relating to local taxation, neither of which has been fully adopted in any country to the exclusion of the other. One is that such taxation should be in accordance with the taxpayer's ability to pay, the other that it should be based on the enjoyment of services rendered. With the immense growth of expenditure on “social services”, it is obviously impossible to obtain all the money required on the second of these principles, since the persons who need these services are precisely those who can least afford to pay for them. Consequently, it becomes more and more necessary to impose local taxation in accordance with “ability to pay” and those who are able to do so are obliged to contribute in proportion to their means towards the cost of public education and of welfare and other services of which they do not need to avail themselves. On the other hand, such services as the supply of water, gas and electricity, and public transport are usually charged for on the basis of their use, while in many countries direct charges are made, on the basis of use, in respect of refuse collection, sewerage and sewage disposal and the up-keep of roads and streets.

### THE RULE OF LAW

Reference is often made to the importance, in the British system of government, of the principle that all local authorities, and even the State itself, are subject to the Rule of Law, and it seems sometimes to be implied that this is not the case in other countries. This implication is unfounded. Prof. Haurieu, in the *Encyclopédie Française* (1935) says: *A l'heure actuelle, l'Etat est, dans l'ensemble de son activité limité par le droit.* Of course, in the different countries there are different laws, but the greater part of the control over local authorities exercised by the central government in any country is directed towards ensuring that the laws are being complied with.

One English writer, Mr. Edward Jenks (in *Problems of Local Government*) put it this way: "The administrative system of England is dominated throughout by the principle, that no power can be exercised unless it has been conferred by law, no obligation imposed on any citizen except by law, and that if the exercise of discretion has been entrusted to any official or department of the central government, or to any municipal body, this discretion must be exercised strictly according to the rules of law, which law will, in case of dispute, be interpreted by the ordinary courts, not by an administrative tribunal".

#### "DROIT ADMINISTRATIF"

From this quotation it would appear that English ideas on the Rule of Law in connection with local administration were still (in 1911) coloured by the prejudice against *droit administratif* (or administrative law) which prevailed in the last century and was largely due to Professor Dicey, who taught (though he subsequently modified his views on the subject) that this system meant that administrators were judges in their own cause and that it was therefore an additional form of State tyranny over the individual. That was, as far as France was concerned, never the case.

Administrative *law*—as distinct from separate administrative courts—must obviously exist everywhere. In many respects local authorities cannot be on the same legal footing as private individuals. In Great Britain there is a mass of legislation relating to local authorities and quantities of judicial decisions on the same subject. This is all administrative law—statutory and judge-made. The fact that it is dealt with in the ordinary courts does not make it any the less administrative law.

The existence of separate courts for the purpose does not mean that the judges in those courts are active administrators with a bias in favour of the administrative authorities. It means (at any rate in France) that they are men who have had experience in administrative matters and are therefore familiar with the subject with which they have to deal, but who are no longer engaged in active administration. The question



of bias is disposed of by the attitude towards these courts of the French public, who certainly look upon them as a means of protection of the citizen against acts of arbitrary authority.

The most complete embodiment of the principle that the relations between the State and the local authorities on one side and individuals on the other need a special branch of the judicature for their solution is to be found in France, and therefore a fairly full description of the French system will be given here.

The supreme administrative court is the *Conseil d'Etat*, which is at the same time a government department for preparing regulations, a court of appeal from the lower administrative courts, and an administrative court of first instance for certain purposes. Its president is the Minister of Justice, though his presidency is largely nominal. There are forty-two councillors in ordinary, and thirty-one in extraordinary service, all appointed by decree. The former are selected from among "masters of requests" (who are junior officials to the number of forty-three, also appointed by decree) or from the thirty "auditors". The latter are high officials in the civil service.

The lower administrative courts are the "prefectoral councils", each council consisting of a president, and four councillors all appointed by decree, but under certain conditions, involving in some cases a competitive examination. Formerly there was a prefectoral council for each department, but in 1926 many of these were amalgamated.

The question must often arise whether a certain matter should go before an administrative or an ordinary court. This is settled by the *Tribunal des Conflits*, which consists of three members of the *Conseil d'Etat* and three judges of the High Court, all elected by their colleagues for three years, with some additional members, and with the Minister of Justice as president.

We are told by M. Joseph Barthélemy (*The Government of France*) that prefectoral councils judge some 300,000 cases a year. The vast majority of these cases are what might be called assessment appeals, which will already have been heard by the department concerned with the administration of direct taxation.

To quote again from M. Joseph Barthélemy (op. cit.), "Formalities and costs (before the *Conseil d'Etat*) are reduced to a minimum; the applicant deposits at the secretary's office of the council a written request upon stamped paper, the cost of which will be returned to him if his appeal is admitted; credit is given, the applicant only having to pay costs if his appeal fails, and even then the costs may not exceed eighty francs". No solicitors or paid counsel are employed, the officials of the court acting as counsel.

By an Act of 1946, a Belgian Conseil d'Etat was set up, with legislative and administrative sections, on much the same lines as that of France. It is composed of thirteen to fifteen members, appointed for life, who must be at least thirty-five years of age, must hold a doctor's degree in law, and must for at least ten years have been in practice at the bar, have held a post in the general administration or of a judicial nature, or have taught law in a Belgian university. The administrative section is composed of three chambers, one Flemish, one French and the third bilingual. It deals, *inter alia*, where no other competent jurisdiction exists, with demands for compensation for exceptional damages resulting from a measure taken or ordered by the State, a province, a commune, or the colonial government. It also settles difficulties relating to the respective competence of different local authorities.

Administrative law and administrative courts are to be found in other continental countries, but nowhere on such a complete system and seldom of such a kind as to be equally satisfactory to the public. In Switzerland, generally speaking, administrative tribunals are available for persons who wish to contest any communal act, but they are of less importance in those cantons in which communal regulations and resolutions need cantonal sanction than in those in which there is greater communal autonomy. Thus, in the Zurich and Berne groups practically all proceedings of the communal authorities may be brought before the administrative courts, but in the French cantons only certain specific actions. As a rule, only the illegality of a communal act is a ground for appeal, but in two cantons (Obwalden and St. Gall) the expediency also. In some cantons appeal may be brought against communal

expenditure "which is not in the public interest", while the law of Glarus allows the minority in a communal assembly to appeal on the ground that communal taxes are unnecessary, too high or too low.

At the first International Congress on the Administrative Sciences, held at Brussels in 1910, an American speaker said that many American lawyers were of opinion that it was desirable to create administrative tribunals, since in so many cases a citizen could not obtain justice in the ordinary courts.

It may fairly be said that the success of the administrative courts in France has greatly influenced opinion in other countries and that even in Great Britain there is now a growing recognition of the principle that questions of administration need special courts, presided over by judges who have had practical experience of administration, and a special and inexpensive form of procedure.

It is of interest that Dr. C. K. Allen (author of *Bureaucracy Triumphant* and a strong opponent of the quasi-judicial powers of government departments) in his latest book *Law and Orders*, says that A. V. Dicey's "ardent championship and eloquent exposition of the Rule of Law borrowed false emphasis by complacent comparison with French administrative law. Unfortunately, he gravely misrepresented that remarkable jurisprudence, at all events in its modern developments and left the British public under the impression that the effect of administrative law in France was to place officials in a specially privileged position rather than (as is the fact) to give the subject a large measure of protection against State action. This delusion persists; it is observable, for example, even in the writing of Lord Hewart, and it has led to a complete misunderstanding of the nature of administrative law as it is practised in countries like France and the United States".

## CHAPTER II

# AREAS OF LOCAL GOVERNMENT

### FEDERAL OR UNITARY STATES

IN countries where the form of government is that of a Federation, in which each constituent part (state or province) is responsible for its own local government system, the areas of the states or provinces are not local government areas. This applies to the United States of North America and several of the South American Republics, to Switzerland, Australia and Canada. In none of these cases is the Federation concerned with or in direct relation to the local authorities; the "state" or "province" occupies a kind of intermediate position between them. It is sometimes thought that the government of South Africa is of the same character, but the Union of South Africa is a unitary government and the areas of the four provinces must therefore be treated as areas of local government.

In other countries, including all those of Europe with the exception of Switzerland, the local government areas are fixed by the central or national government, though in some cases they are based on local divisions recognized before the central government came into existence.

### THE UNIT OF AREA

In France the commune is the basic unit for local administration over every part of the country—sometimes a great and flourishing city like Lille or Nice, sometimes a small hamlet with a hundred or so inhabitants. In either case the constitution of the local authority, its powers and duties, its legal status, are the same, and in either case the commune forms a constituent part of the "department". There are some 38,000 French communes, their areas varying from 10 acres to 400 square miles, the average being 3,645 acres. There are divisions between the commune and the department, known as *cantons* and

*arrondissements*, but they are not of great administrative importance.

The departments (now ninety in number) were created at the time of the Revolution, being merely combinations of communes, of such a size as was considered appropriate at that date, so as to enable representatives of all communes in the department conveniently to attend meetings in the departmental capital or "county town." The names of the departments were mostly taken from some local physical characteristic—a river (Seine, Marne), mountains (Vosges, Alpes Maritimes), or other incidents of the situation (Côtes du Nord, Landes).

This differentiates the system entirely from the English. Although the English parish may be said to correspond closely to the French rural commune (as regards area, but not as regards functions), it exists only in the rural districts, and the rural district, urban district and borough are on a completely different footing from one another. The English county is not a mere combination of minor local government areas, but, as a geographical unit, has a longer history than most of the others, and, as an administrative area, with an elected council, came into existence in 1888, that is to say, before the urban districts, rural districts and parishes.

In most European countries the commune is, as in France, the basic unit of local government, but in Germany the urban and rural communes (*Gemeinden*) were distinguished up to 1935, while the *Stadtkreis* is, like the English county borough, independent of the Kreis or county, the population qualifying for such independence being much lower than is the case in England and Wales. The "Kreis" is, in its origin, similar to the French department, in that it is an artificial union of minor authorities. In the years preceding the Hitler régime it was beginning to develop a greater importance at the expense of the communes and to be regarded as an administrative entity, but Nazi-ism put a stop to this.

While the commune or *Gemeinde* is the recognized unit of local government in Switzerland, in few of the cantons is there a single unified type. Different communes exist within the same area for different purposes, sometimes coinciding

with, but more often overlapping, one another. The principal types are citizens' (or burghers') communes, inhabitants' (or political) communes, and church communes, while distinct school communes and poor relief communes are to be found in some cantons. It is, indeed, possible for communes either to combine (as *Zivilgemeinden* or to split up (into *Orts-gemeinden* or *Viertelsgemeinden*), as may be most convenient, for different purposes, and this system has led to an indefinite and ever-changing variety of areas of local administration. New developments of this kind, however, are now discouraged, there being a tendency to concentrate all functions in the political (or inhabitants') commune.

One may compare with these Swiss communes (and to some extent with the British parishes) the minor local entities in Spain—*anejos*, *parroquias*, *lugares*, *aldeas*, *caserios* and *poblados*—which differ in their organization according as they have less or more than 1,000 inhabitants.

An exception to the principle of the commune as a unit is to be found in Hungary, where the counties (Varmégys) were marked out about the year 1000 and for many centuries were the only local government divisions of the country. It is still a fundamental principle that the county authority or *comitat* is the principal organ of local administration and that all matters which are not specifically assigned to some other body come within its jurisdiction.

The administrative divisions in the U.S.S.R. are of numerous types and have been changed from time to time. Their names frequently defy any translation—they included, before 1930, *oblast*, *krai*, *guberniya*, *okrug*, *uyezd*, *raion* and *volost*. Several of these have been abolished and the most important (above the village) would now seem to be the *raion*, which takes the place of the *volost* and the *uyezd*, being considerably larger than these. There are 3,500 *raions* in the USSR. The *oblast* or *krai* is a yet larger area, which may be described as a region. In addition to the divisions mentioned, there are 808 cities and towns, 942 town-hamlets and hamlets, and 70,000 villages. These may perhaps be said to be the units.

In the United States and the British Overseas Dominions there is no basic unit of local government resembling the

commune. Much of the land in these countries is still "unincorporated" and is therefore administratively under the jurisdiction of the state or province. When a sufficient population appears within a suitably concentrated area, that area will, on application, be formed into a village or rural municipality or whatever it may be termed. As this area grows in importance, it will become perhaps a township, an urban municipality and eventually a city.

### AMERICAN CITIES

In some American states the very smallest urban community is a "city". In others there is a minimum population limit of 250 to 5,000. In the states of New York, Pennsylvania and Texas the minimum is 10,000.

The present trend in the United States seems to be towards "bigger and better" cities. "Proper conduct of metropolitan affairs," says the *Report of the Urbanism Committee to the National Resources Committee* (1937), "requires an enlargement and development of local governmental areas, powers and techniques, irrespective of the political boundary lines which crisscross these complex urban districts".

This is a reference to the American idea of "metropolitan districts", which are defined by the Bureau of the Census as including "all the thickly settled territory in and around a city or groups of cities" of 50,000 or more population. The central cities and "all adjacent and contiguous minor civil divisions having a population of 150 or more per square mile" make up this thickly settled territory.

No special administrative organization of these metropolitan districts has yet been devised. The problem is, of course, one which affects other countries besides the United States. "Greater London" is a glaring instance, but the English method of solving the problem would seem to differ widely from the American. Instead of allowing cities to increase in size, the tendency is rather to restrict their growth by means of "green belts" and, where necessary, to effect expansion by the establishment, beyond these green belts, of "satellite" or "dormitory" towns, either as completely new creations or as developments of existing villages.

## AMERICAN COUNTIES AND TOWNSHIPS

Administrative organization in the United States, outside the cities, may almost be said to be non-existent. Nevertheless, every state in the Union (except Louisiana, whose subdivisions are called parishes) is divided into counties, there being ninety to 150 in each—over 3,000 in the United States as a whole.

The average area of a county is 960 square miles, but nearly two-thirds are between 300 and 900 square miles, the average being increased by the large areas in the west, where 128 counties have each an area of 4,000 square miles. The most usual areas are between 400 and 650 square miles.

The average population of a county is 39,000. More than half of the counties have a population from 10,000 to 30,000, but some small rural counties have only a few hundred inhabitants.

In many states there is a minimum area for a county and in some also a minimum population limit, the most usual limit of area being about 400 square miles and the minimum population limit varying from 700 (Tennessee) to 20,000 (Pennsylvania).

In some states there are smaller rural areas than the county, known as "towns" or "townships". This system is general in the New England states, the towns being irregular districts from twenty to forty square miles in area. Townships as administrative divisions of the county exist also in the northern and central states, but seldom farther west or in the south, where the counties are divided into districts for various purposes of local government—different districts for different purposes, but having no corporate capacity or power of taxation.

As an instance of the confusion regarding rural areas in the United States may be mentioned the Report of a Commission on New York State, of 1935. According to this Report, there were then 12,679 units of local government in the state outside New York City, each with its own taxing power, overlapping functions and debts. There were fifty-seven counties, whose area varied from 183 to 2,701 square miles and population from 3,920 to 762,408. In Nassau county (274 square miles) there were 307 local government units, including thirty-five separate



police departments. In Hempstead town (120 acres—it must be remembered that in U.S.A. a “town” is equivalent to a rural district in England) there were twenty-one units of local government in addition to those of the state, the county and the town—one unit for every five acres!

The Commission stated that there had been no change in the system since 1683 and said: “If a deliberate attempt had been made by the people of our State to devise a system which would inevitably result in inefficient administration and its consequent high taxes, it is doubtful whether they could have succeeded so well in their objective”. In a report issued by the Illinois Chamber of Commerce in 1942, it was stated that there were in the State of Illinois more than 15,000 small governmental units which levied taxes every year.

Seeing that the area of England and Wales is 58,343 square miles, as against 49,170 in New York State and that the total number of local government units in the former is some 13,000 as against 12,679 in the latter, it might appear at first sight that Great Britain suffers as severely as New York State from a plethora of local authorities, but it has to be remembered that, of the 13,000 units, about 11,500 are rural parishes, which have few, and strictly defined, powers.

### BRITISH DOMINIONS

In the Canadian provinces the variations of local government areas are considerable. There are four main types: (1) rural municipalities, municipal districts or townships, the minimum area for which, in Alberta and Saskatchewan, is 324 square miles; (2) villages, to qualify for which there must be, in Saskatchewan, a minimum population of fifty, in Ontario of 750, while in Manitoba there must be a population of over 500 for every 640 acres up to 2,000 population, after which 160 acres must be added for each additional 1,000 population; (3) towns, for which the minimum population is 2,000 in Ontario, 1,500 in Manitoba, 700 in Alberta and 500 in Saskatchewan; (4) cities, for which the minimum population is 15,000 in Ontario, 10,000 in Manitoba, 6,000 in Quebec, 5,000 in Saskatchewan, 2,500 in Alberta and only 100 in British Columbia. There are no counties in Canada except in Ontario,

Quebec, New Brunswick and Nova Scotia and their administrative importance is small.

In four Australian states a minimum revenue from rateable property is required as a qualification for the status of municipality. In most states a town becomes a city after five years if it has a population of 20,000 and a revenue of £20,000. In New South Wales a municipality must have a population of 1,000 for an area not exceeding nine square miles.

The rural areas in Australia are generally called shires or districts and are large incorporated areas of country (in New South Wales, in 1928, the area of the shires varied from forty-eight to 5,883 square miles) including small towns and villages.

The total number of counties in New Zealand is 129, with areas varying from forty to 4,420 square miles and population (1930) from twenty to 176,910. In addition to these there are nine educational districts and 2,550 school districts, as well as seven health districts and a large number of areas for various *ad hoc* purposes.

In South Africa, except in the Cape Province, local self-government exists only in the urban areas and there are therefore no rural local government divisions below the province.

## COUNTIES, DEPARTMENTS AND PROVINCES

In Great Britain the areas of the administrative counties vary greatly—from eighty-three to 2,600 square miles—but it may be mentioned for purposes of comparison that the area of Warwickshire, which is a medium-sized county, is slightly over 876 square miles, which is less than the average in the USA, but greater than the most usual areas in that country.

The French departments are more uniform in size, the average being something over 2,000 square miles. The Prussian "circles" had, in 1932, an area for the most part between eighty and 500 square miles. In Norway and Sweden some of the northern counties run to a very great size—over 18,500 square miles.

In only two Swiss cantons (Schwyz and Grisons) are there administrative areas intermediate between the commune and the canton, with representative councils and self-governing powers.

In many other European countries the place of county is taken by the province. Belgium has nine provinces, whose area varies from 930 to 1,706 square miles; Holland eleven, from 525 to 1,941 square miles; Italy (in 1927) ninety-two, from forty-three to 3,568 square miles; Spain fifty, their area averaging 3,975 square miles.

### CHANGES IN AREA AND STATUS

One result of the British system is that there is a constant change going on in the status and boundaries of local government areas. A parish, or even a whole rural district, will aspire to become an urban district, an urban district to become a municipal borough, a municipal borough to become a county borough—and, to pave the way for such changes, there are constant demands for an alteration of boundaries. It is obvious that a gain of area by one authority means a loss to another. Where such a change is made, it is always a county or rural district which suffers the loss, usually of that part of its area which possesses the highest rateable value. Consequently these proposals almost always entail the expenditure of large sums in litigation.

Such constant change is not to be found in other European countries. Where all communes have the same powers and duties, the question of status does not arise. In Germany the annexation by a large city of adjoining communes (*Ein-gemeindung*) sometimes takes place, but, when it does, there is no expenditure on litigation. The great city—or its burgo-master—simply annexes without more ado.

In the United States and the British Dominions, however, the development of communities and the growth of population render a fairly frequent change in administrative boundaries and status necessary. In the former the matter is one for the state legislature after a vote by the people concerned, i.e., the inhabitants of the area affected. No expenditure on litigation is entailed.

The provisions relating to an alteration in the area of a municipality (urban or rural) vary in the different provinces of Canada, but, subject to provincial legislation, the desire

of a majority of the owners of real property in a specific area is the predominant factor.

Power to make alterations in the status and area of Australian local authorities is vested in the Governor in Council in each state, but he can act only when moved by petition, except in Queensland, where he can take action on his own initiative on the recommendation of the Minister. His decision is final. Provisions in New Zealand are very similar. In South Africa alterations are made by proclamation of the Administrator, who may or may not be moved thereto by a petition of the inhabitants. Inquiries may be held into proposals for the alteration of boundaries, but are not essential.

#### ENLARGEMENT OF AREAS

In recent years, in most countries, there has been a tendency to enlarge areas of administration. In England and Wales, in 1929, the administration of the highways was, to a large extent, transferred from the urban and rural district councils to the county councils, the boards of guardians were abolished and their powers (relating to the Poor Law) conferred on the councils of counties and county boroughs. Moreover, the county councils were required to make schemes for the reorganization of their areas, largely with a view to the suppression of unduly small urban and rural districts. The Local Government (Scotland) Act, 1929, abolished parish councils and many other small authorities. Prior to this, the Irish Free State had (in 1925) abolished the rural districts as administrative units. In each case it was the larger unit—the county—which gained. In 1945 the British Government set up a Boundary Commission, which was given wide powers to alter the boundaries of local authorities and which reported in 1948, while in 1946 the areas for hospital services were extended, as explained in Chapter V.

In spite of the tendency mentioned, there have not been, in the other European countries, any alterations of administrative areas on a comprehensive scale, but in 1929 there was a very considerable reorganization of areas in the Ruhr region of West Prussia, when a number of large county boroughs were created, thirteen urban and forty-nine rural communes

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were swallowed up and four counties took the place of fifteen.

Elsewhere, especially in France, there is a movement towards the combination of groups of communes which are too poor to stand alone, but it cannot be said that very much has actually been done.

In the United States the question of giving further powers to the state, as against the county, is going rapidly forward. In several states (including Delaware, Virginia, West Virginia, and North Carolina) all highway powers have been transferred to the state and it seems highly probable that this movement will spread.

The American and Australian states, the Canadian and South African provinces, stand on a different footing to the largest administrative areas in any European country. Those states and provinces would seem to be large enough for any administrative purpose other than those which fall to the federal government in each case.

## REGIONALISM

In several of the countries of Europe, however, the question has been raised whether it is not desirable to establish areas for certain (if not for all) local government purposes, of a greater extent than any of the existing counties, departments or provinces.

This "regional" idea has been advocated especially in France. The largest existing local government area—the department—was devised as convenient for the purpose in the days when telegraph, telephone, motor-car and even railway train did not exist, and the need for supplying water, gas and electricity over wide areas had not arisen. It is held by many that something larger than the department is now required and a number of definite schemes have been put forward. It is stated by Mr. R. K. Gooch (*Regionalism in France*) that there have been in France something like thirty-five regional proposals of a private character and twenty-five serious parliamentary proposals, but, in spite of able favourable reports, no regionalist proposal has yet come before the Chamber in plenary session.

Germany has already its provinces, which cover considerable

areas, while for police purposes it has its districts (*Bezirke*) which, while smaller than the provinces, each include a number of counties, but these have always been in reality State and not local government divisions. Poland, too, has large provinces, while some of the counties of Norway and Sweden are very extensive.

The only instance of a definitely regional organization is to be found in Rumania, where an Act of 1929 established seven regions, as intermediate organs between the departments and the central government, each region having a "ministerial directoriat," representing for that region all the central departments of State. This organization was altered in 1938, when the country was divided into ten provinces, each with a "Royal Resident" to administer the province and rank as an Under-Secretary of State. It seems, therefore, to be rather a system of deconcentration than of decentralization.

In Great Britain the idea seems to be gaining ground that the whole of England and Wales—or perhaps even the whole of Great Britain—is not too large a "region" for certain purposes. It has already been stated that in America the transfer of powers from local authorities to the states has begun and seems likely to spread. It is therefore pertinent to point out that nine of the American states are larger than the whole of Great Britain and twenty-one larger than England and Wales. North Carolina, whose state legislature has assumed all highway powers outside the cities, is larger than England alone. All the states of Australia except Victoria and all but three of the Canadian provinces cover much larger areas than Great Britain.

There is another point of view with regard to "regions" which has been developed particularly in the United States. This is not strictly concerned with local government, but with "planning" in the widest sense of that term. For this purpose the National Resources Committee (reporting in 1935) held that it was most desirable to set up a regional organization which would ignore all existing boundaries, including those of the states. Such a regional organization, however, "whatever its varied form, should not be considered as a new form of sovereignty, even in embryo. It need never develop to the stage

where it will have elected officers, a legislative body and the power to tax. Consequently the region need not have fixed boundaries. By the same token the region need have no definite body of citizens. Many citizens may consider themselves as belonging to one region for one purpose and to an adjoining region for another”.

The joint regional planning committees which have been set up during recent years over the greater part of England and Wales have in them something of this idea, although they have definite boundaries and the planning with which they are concerned falls very far short of the American conception. In Germany, too, there have been some experiments of this nature—notably in the districts of the Ruhr, Merseburg, Hamburg and Berlin.

Generally speaking, it may be said that the advocates of regionalism in no country desire the complete suppression of smaller units of local government and that, as a rule, these advocates would adhere to the form of local government prevailing in each country. Thus, the French regionalists usually propose to combine a number of departments for certain purposes under the prefect of one of them, while the English regionalists would suggest regional councils directly elected. It is true that indirect election—i.e. a regional council consisting of representatives of the local authorities concerned—is sometimes proposed, but it cannot be denied that it is generally unpopular in Great Britain.

There are in Great Britain different divisions of the country for various purposes of the central government—e.g., post office, audit, census, electricity, employment exchange, etc. It is very unfortunate that the various Government departments cannot agree to make their divisions of the country coincide.

During the last war a system of “Civil Defence Regions” was set up, England containing ten regions and Wales forming an eleventh. The primary purpose of this organization was to guard against the contingency of communications between parts of the country and the headquarters of government being interrupted by war operations. Representatives of a number of government departments were allocated to each

region and it was certainly found that the deconcentration of the Ministry of Health had many advantages for local authorities. This form of organization does not necessarily interfere in any way with local self-government.

The creation of local government regions is altogether different to this. It is sometimes referred to as a form of centralization. This is not the case. Whether the governing bodies of such regions were to be directly elected or nominated by local councils (indirect election) they would in either case be "local authorities". True, certain local councils would necessarily lose some of their powers, even if they were not completely extinguished, and to this there would always be virulent opposition. Nevertheless, the principle of local self-government would not be affected.



## CHAPTER III

### THE LOCAL AUTHORITY

THE term "local authority" is not generally recognized in the United States (although it has been largely used by the Urbanism Committee in its report to the National Resources Committee) but it is useful to indicate the body (or person) responsible for local administration in any area, whether urban or rural. The term "municipality", which is used for this purpose in Canada, is generally taken elsewhere as applying to cities only. The Union Internationale des Villes, established in Brussels, added to its title in 1927 the words "*et des Pouvoirs Locaux*"—the French equivalent of "local authorities"—in order that it might include local authorities of all types.

#### STRUCTURE

In almost all countries, other than totalitarian, the local authority is, though sometimes only nominally, a council elected by the people. This is the case, even if the real power is in an executive, as described in Chapter I. It seems necessary to mention here that much of the information given, not only in this chapter but throughout the book, relates to conditions prior to 1939. Secondly, countries of Central and Eastern Europe have come of late under Russian influence and this may have an effect upon the structure and other characteristics of their local authorities. The matter is further discussed in the final chapter.

#### *Italy*

Elected councils were abolished throughout Italy in 1926 and their place taken in the larger communes (in the smaller ones only by permission of the prefect) and in the provinces by a council appointed by the prefect, as regards one-third directly and as regards two-thirds on the submission by local syndicates and recognized economic organizations of three

names for each vacancy. The prefect, the head of the province, was a State official appointed by the Crown.

### *Germany*

Before the Nazi revolution, every German commune and county had an elected council, but, until 1919, the local electors were, in Prussia, divided, according to their incomes, into three classes, each of which elected the same number of councillors. During the Nazi régime, there were no elected councils of any kind. In each commune councillors were appointed by the agent of the Nazi Party in consultation with the burgomaster, these two officials using their own judgment as to the persons (numbering from twelve to thirty-six) best fitted to fill the position. A similar arrangement applied to the counties. What is likely to be the structural form in the future is discussed in the final chapter.

### *Portugal*

In Portugal the unit of local government is the *freguesia* or parish, which is defined as "the aggregate of families which, within the limits of a municipal area, develop a common social action". A parish board is elected by the general assembly of the parish, which consists of the heads of families and representatives of the corporations. Above the parish is the *concelho*, which corresponds fairly closely to the English urban or rural district.

### *Other Countries*

In the other European countries, generally speaking, every commune has a "communal" or "municipal" council, directly elected by the people, but in Hungary one-half of the municipal assembly (which might have from forty-eight to 400 members in the urban municipalities and from 120 to 600 in the counties) formerly consisted of the most substantial taxpayers and the other half of elected members, while the chief officials had also the right of a seat and a vote upon it.

County or provincial councils usually consist of directly elected members, but in Denmark a county council is formed

by indirect election, namely, by an electoral body chosen by all the parish councils in the county. In Norway the county council consists of the chairmen of the district councils in the county. So, too, in the Canadian provinces of Ontario and Quebec, the county councils consist of the heads of the various local authorities. The Cuban provincial council is composed of the mayors of the municipalities in the province.

### *England and Wales*

In England and Wales councils are directly elected for rural parishes, urban and rural districts, non-county (or municipal) and county boroughs, and counties.

In all counties and boroughs the councillors, who are elected for three years, choose "aldermen" for six years, in number one-third of the number of councillors. These aldermen may be elected from among the councillors or from persons qualified to be councillors. They have no greater powers or privileges than the councillors apart from the term of office.

No such system as this is to be found in any other country except in the city of Tokio and in some parts of Poland, where aldermen were elected on the basis of proportional representation. A Scottish "bailie" does not vacate his seat as councillor on being elected a bailie, and holds office only until the date at which he would in ordinary course cease to be a councillor. The "aldermen" of Belgium and Holland are elected for the same period as they would serve as councillors.

One of the weaknesses in the local government system of England and Wales is the lack of any organic connection between the councils of the counties, rural districts and parishes, although they cover the same ground and their councils carry out functions, many of which closely touch upon one another. Each council is directly elected and has separate rating power. Very often the same individual will serve on the council of his parish, rural district and county, or on two of them, but that is purely in his individual capacity. There is no representation of the one council on the other, nor is there any requirement that the one shall report to the other on its proceedings, except where powers have been delegated.

*Scotland*

The Scottish system differed from this both before and after the Local Government (Scotland) Act, 1929. Under that Act each county council had to draw up an administrative scheme dividing its area into districts. For each district a district council must be elected, the members of the county council for the electoral divisions within the district being *ex officio* members. Most of the functions of the district councils are those formerly exercised by the parish councils (which were abolished by the Act) but the county council can delegate to a district council any of its powers except those relating to police or education. A district council rate may be levied up to one shilling in the pound and is collected by the county council. Here, therefore, the organic connection between county council and district council is complete.

*Switzerland*

In Switzerland the communes of each type (citizens, inhabitants, church) have their own councils and organizations, which are thoroughly democratic in form. The supreme authority in the political or inhabitants' commune (which is now the prevailing type) is the "communal assembly", composed of all persons entitled to the communal vote. The communal assemblies of important places can delegate certain of their functions to a "council general", elected on the majority principle or by proportional representation. The actual administration of the commune is carried on by a "communal council," usually of five to nine members, elected by the communal assembly or council general. Its functions are usually distributed among subdivisions, each of which is directed by a member of the council, but certain administrative functions may be entrusted to special commissions.

*France*

In France every commune has a directly elected municipal council, while the council-general is the representative body of the department, one member being elected from each canton (a division of the department larger than the commune).

Departmental officials may not be members and no one may be a member of more than one council-general.

### *U.S.A.*

In the United States there are three main forms of city government, which need to be differentiated.

The "Mayor-council" system most nearly corresponds to that in Great Britain and other countries. It is predominant in the very large cities and in more than three-fifths of all cities over 5,000 population. There are two types—the "strong mayor", in which the mayor has important duties as chief administrator, and the "weak mayor", in which the council (often through committees) has more direct control of administration. In the former (in New York City, Boston, Detroit, St. Louis, etc.) the mayor has complete power of appointment and removal of heads of departments; he prepares and submits the annual budget; he seldom, if ever, appears at a council meeting (an elected chairman presides), but has a right of veto over its proceedings. In the latter (to be found in most villages and many small cities), the mayor is still the chief executive and spokesman of the council and often presides over it.

Under the "Commission" plan, elected commissioners, usually five in number, serve collectively as a "legislative" (i.e., policy directing) body and individually as administrators of the several departments. It existed (in 1943) in 16.2 per cent of all cities. Critics of the system have alleged the objections to it to be that there is no leadership, no opposition and no fitness for posts.

The "City Manager" or "Council Manager" plan arose out of the commission system and was devised to remedy the above-mentioned defects. The elected commission became a deliberate and legislative body, but without any increase in membership, and appointed a city manager on terms which varied considerably according to the charter of the city and which will be described in the following chapter. The plan, which first appeared in 1908, spread rapidly. At the beginning of 1943 there were 576 council-manager cities, that is to say, 16.3 per cent of all cities in the United States. The plan has

also been adopted by some eighteen Canadian cities and for both cities and counties in Eire.

In a number of the American states, cities are given a considerable amount of freedom as to the form of government which they may adopt—this is known as a “Home Rule Charter”. Normally, the constitution of a city is entirely governed by the state constitution. State legislation, however, has in many cases eased the situation. There are at least nineteen states in which “municipal home rule”—i.e., the power of cities to frame their own charters—is permitted, and eleven others in which cities may choose between the three forms of government which have been described. In many cases, however, this permission is granted only to cities above a certain population. “Classification” of cities often nullifies in practice the theoretical “home rule”.

In 1943 about two-thirds of the cities (in forty-one out of the forty-eight states) had power to adopt council-manager government without special action of their state legislatures (in some cases subject to population), while in the remaining seven states the plan could be adopted by permission from the legislature or by ordinance pending the passage of enabling legislation.

The “Home Rule Charter” system is in force also in Cuba.

It has already been mentioned that “towns”, or “townships” still exist in the New England and some other American states. In such cases there is a “town meeting” which all qualified electors are entitled to attend. This meeting elects annually the “Moderator” or presiding officer and many town officials, including the “Selectmen” or councillors, whose number varies from three to nine. Both in New England and elsewhere, these subdivisions of the county are of decreasing importance, owing to the development and incorporation of urban communities within them, to the growing powers of the county, and to the increasing number of special districts created for particular purposes.

County government in the United States has been described in an American Report as “merely the sum of certain officials each paramount in his own sphere”. As a matter of fact, the

American county is primarily a district for the administration of justice, an agency of the state and not a unit of local government. It is true that in most states other than those of New England there are "county boards", in some cases directly elected, in others composed of representatives of the subordinate divisions of the county. There is, however, no executive, the county officials are directly elected for short terms and the county board has no power to remove them. In some states the counties have been given power to appoint a county-manager, but few have availed themselves of it.

The Tennessee Valley Authority may appear to some, at first sight, as an instance of a new form of local government area and organization, but this is not in fact the case. This authority, as declared by President Roosevelt in April, 1933, is "a corporation clothed with the power of Government but possessed of the flexibility and initiative of a private enterprise . . . charged with the broadest duty of planning for the proper use, conservation and development of the natural resources of the Tennessee River drainage basin and its adjoining territory for the general social and economic welfare of the Nation . . . clothed with the necessary power to carry those plans into effect".

Moreover, we have it from the Chairman of the Authority (Mr. David E. Lilienthal) that "decentralizing the administration of government functions that are clearly national has been carried so far in this valley that it is literally true (I can think of no exceptions) that, whenever there is a state or a local institution which can perform part of the task that has been assigned by law to the T.V.A., we have sought to have that non-federal agency do it. . . . There is therefore nothing in this region's experience to support the genuine fears or the partisan outcry of ten years ago that setting up a federal regional agency would mean the undermining and ultimate destruction of state government and local communities. The contrary has been the case. It is indisputable from the record that state government is stronger in the Tennessee Valley to-day than it was ten years ago and has more functions to perform. It is notably true that local community government and functions are more vigorous". (T.V.A.)

### U.S.S.R.

In the Soviet Union, prior to 1937, all local authorities except those on the lowest level were created by indirect election. The constitution of 1937 provided that all soviets be directly elected for a period of two years.

Mention has already been made (in Chapter I) of the *presidium* or executive, which meets at frequent intervals, but in practice a group of three members of the presidium—usually composed of the president, his deputy and his secretary—represents the city in all its official business.

The city soviet must appoint permanent committees on communal economy, finance, education, public health and co-operative trade. In most city soviets there are ten or more additional committees, known as administrative, cultural, sanitary, judicial, trade, social security, etc. The *raion* and *oblast* soviets must also have sections or departments for specific subjects and even the village soviets must do the same.

### WARDS

In Russian cities with over 100,000 inhabitants, ward soviets may be established to carry out, by delegation, the detailed administration within their respective areas. Something of the same sort is to be found in some of the capital cities whose constitutions are described below, but it is otherwise unusual. In Turkey, however, there is a system of "quarters" within every city, each quarter having its own mayor (*muhtar*) and elected council. This is due to the fact that each city came into being as an agglomeration of a number of contiguous villages. Each of these kept its identity and form of administration, even when modern developments led to the necessity of a municipal organization for the whole city, the first municipality being Pera, founded in 1852. In 1863 all cities were required to sub-divide themselves into quarters, each of which was to consist of at least fifty dwellings. The fortunes of these quarters have varied from time to time and they were definitely abolished by an Act of 1933, but re-established in 1944.

In Great Britain most cities are divided into wards for electoral purposes, but these wards have no administrative



organization. In the United States, on the other hand, elections are almost always "at large".

Under the British system of electing two or three members for each ward, electors have a closer contact with candidates and can therefore judge for themselves whom they wish to vote for. On the other hand, this system of election leads to the view that a member represents his ward and not the city as a whole, and he is apt to contend for the interests of his own constituents as against those of the whole community.

### MEMBERSHIP

The size of councils varies considerably in the different countries. For purposes of comparison it seems convenient to set this out in the form of a table:

#### CITIES

			<i>Number of Members</i>	<i>Years of Office</i>	<i>Observations</i>
Belgium	..	..	7-45	6	Prop. Represn.
Denmark	..	..	7-25	4	
France	..	..	10-36	6	
Holland	..	..	7-45	6	Prop. Represn.
Germany (pre-Hitler):					
Bavaria	..	..	5-	5	
Prussia	..	..	11-99	4	
Saxony	..	..	7-75	3	Prop. Represn.
Württemberg	..	..	6-72	6	Prop. Represn.
Norway	..	..	20-84	3	
Scotland	..	..	9-90	3	
Spain	..	..	8-48	6	
Sweden	..	..	15-60	4	
Switzerland	..	..	5-9	3 or 4	
Australia	..	..		2 or 3	
Canada	..	..	6-20	usually 2	
New Zealand	..	..	6-21	2	
South Africa	..	..		2 or 3	
Turkey	..	..	min. 12	4	
Japan	..	..	min. 30		

## COUNTIES, DEPARTMENTS, PROVINCES, ETC.

Belgium	.. ..	44-93	4	Prop. Represn.
Denmark	.. ..	9-15	6	Elected by P.C.s
France	.. ..	17-67	6	
Holland	.. ..	35-82	4	
Norway	.. ..	—	—	Chairmen of D.C.s
Prussia (pre-Hitler)	.. min.	20	4	
Spain	.. ..	7-18		See below
Sweden	.. ..	min. 20	4	

As regards Spain, an Act of 1925 provided for two categories of members of a provincial council, equal in number, "direct" and "corporative", the former being elected by universal suffrage on the system of proportional representation, the latter appointed by the municipalities. "Direct" deputies may not be, but "corporative" deputies must be, municipal councillors. The former hold office for six years, the latter for two.

In Great Britain there is no statutory requirement as regards the number of members of local councils. In the incorporated cities it depends upon the charter, in the other authorities the size of the population is an important point. In a rural district there must be at least one councillor for every parish with 300 inhabitants. The county council has certain powers of altering the number of members of the district councils.

The principle that a local council is representative of all classes of the citizens involves a practice of large councils. Thus, of the larger English cities, Liverpool has 157 members of the council (including aldermen), Manchester 144, Birmingham 136. Oxford, a county borough of some 96,000 inhabitants, has sixty-eight members; Torquay, a non-county borough of 50,000 to 60,000 inhabitants, has thirty-six.

In the Soviet Union the city soviets are enormous bodies, their size depending upon the population of the city. Some of the larger cities have soviets of over 1,000 members. In addition to these, "understudies" or substitutes are elected, not exceeding one-third of the number of delegates.

In the United States there is a growing feeling in favour of smaller councils, on the ground that they lead to a higher calibre of members and to more concentrated work. It is possible, too, that the fact that councillors are salaried may foster an opinion that the fewer the better. The largest city councils, those of Providence (R.I.) and Chicago, have fifty-three and fifty members respectively. The average number of councillors under the mayor-council system is, for cities over 500,000 population, twenty-two; between 200,000 and 500,000, sixteen; between 100,000 and 200,000, fifteen. In cities between 5,000 and 10,000 population, the number of councillors seldom exceeds nine and is usually five to seven. Under the city-manager system, the membership of the council ranges from three to twenty-five, the most usual number being five.

As regards the type of persons forming the local councils, at the 1932 Congress of the International Union of Local Authorities one of the questions asked of the countries reporting was: "From what classes of the population are the members mainly drawn?" The answer to this question was very usually to the effect that councillors were chosen from all classes of the population, but in a few cases more detailed information was given.

It was stated that in France the classes from which the members of councils are generally drawn depends on the localities and the political character of the local assembly. The rural communes form the great majority. Since at least three-quarters of the councillors must reside in the commune, it is clear that, in most of them, the members are necessarily chosen from amongst the rural classes. The councillors of the *arrondissements* and the general councillors (i.e., of the departments) are generally chosen from amongst the middle classes.

At the Latvian elections of town councils for 1928-31, the occupations of members were as follows:

Professional ..	26%	Property owners ..	17%
Merchants and manu- facturers .. ..	19%	Working men .. ..	9%
Skilled craftsmen ..	17%	Officials .. ..	8%
		Others .. ..	4%

The membership of local authorities in Poland in 1927 is shown in the following table:

<i>Occupation</i>	<i>Rural Communal Councils</i>	<i>Small Towns</i>	<i>Larger Towns</i>	<i>District Councils</i>
Agriculturalists .. ..	504	876	449	276
Officials .. ..	4,251	1,817	726	637
Clergy .. ..	1,619	259	68	167
Large landowners .. ..	3,212	103	8	53
Smallholders .. ..	146,801	2,225	107	3,883
Manufacturers, tradesmen and artisans .. ..	7,811	5,718	916	660
Industrial workers .. ..	1,250	470	167	77
Other workers .. ..	8,036	690	138	354
Miscellaneous .. ..	851	402	121	121

More recent particulars are available from Great Britain for some of the larger towns. In 1938, out of the 160 members of the Liverpool council, fifty were put down as "merchants and directors" and thirty-eight under the head of "professional", while there were thirteen trade-union officials, eight insurance agents, eight builders and contractors, twelve shopkeepers, fourteen clerks, agents, etc., thirteen women and four manual workers. In Birmingham, out of 136 members, twenty-five were described as manufacturers, thirteen as company directors, and fourteen as tradesmen; there were thirteen solicitors, three barristers, and eleven women; five trade-union officials, four shopkeepers and four secretaries or clerks. Only one was described as an artisan. Sheffield, out of its 100 members, included seventeen manufacturers and directors, twenty-seven of the professional class, twelve tradesmen, thirteen workmen, six railway officials and twelve trade-union officials. The Hull council contained one solicitor, one architect, one accountant, one director, one secretary of a company; the other members were stated to be fish-merchants, trade-union officials, insurance agents, artisans, railway workers, small shopkeepers and a number of women.

The membership of the English county councils is drawn largely from a small number of Peers, large landowners, country squires and yeomen and tenant farmers, with a few

members of the trading community and the working classes, but agricultural labourers are seldom represented, as they cannot spare the time to attend meetings at the county town, even if (as is not always the case) the travelling expenses of members are paid.

### ELECTORATE AND ELIGIBILITY

The minimum age for the right to vote is usually twenty-one, but it is as low as eighteen in Turkey and the Soviet Union and for rural municipalities in the Canadian province of Saskatchewan. The minimum is twenty-three in Norway and Sweden (twenty-seven in the latter for county councils), twenty-four in Lithuania, and twenty-five in Denmark, Holland and Japan. In Bulgaria women are not entitled to vote. In France they were admitted for the first time in 1945. In nearly one-third of the North American states there is a mild educational test, such as that voters shall be able to read or write or to do both. The period of residential qualification in the different countries varies from two months to two years. In several countries (including Canada and South Africa) there is a property qualification, while in some (e.g., Denmark, Finland, Japan) it is a requirement that taxes shall have been paid for a certain period. In Great Britain, in 1945, the local government franchise was assimilated to the parliamentary, thus putting an end to the principle that only "ratepayers" could vote at a local election.

As regards eligibility for election to a local council, the minimum age is usually the same as for the franchise, but in Belgium, France and Turkey it is twenty-five, in Bulgaria thirty.

In no country does there seem to be a maximum age either for franchise or for service on a council. This point brings one back to the special peculiarity of the English system, which causes the high average age of members of county and borough councils—the election of aldermen. It was certainly the intention of the legislature by this means to make it possible for the councils to strengthen themselves by bringing in persons with special experience or capacity, who had not stood for election. Unfortunately, except in the case of the London

County Council, it has become the usual practice to elect as aldermen the councillors of longest service, which often means that, when a man has reached an age at which it would be fitting for him to retire, he is perpetuated in office for six years.

Election procedure is very similar in most countries, the ballot having been by now almost universally adopted, but the hours of polling vary. The Soviet system differs in several respects. It is very fully described by Mr. Don Brown in *Soviet Local Government* as well as by Sidney and Beatrice Webb in *Soviet Communism*. Candidates must be nominated thirty days prior to the election; the election must not be held on a work-day; the polling booth must be open from six a.m. until midnight; the electors are not disfranchised if unavoidably absent from home on voting-day, for they may vote wherever they are on production of their identity-card, which is then stamped to show that they have voted. Elections are under the control of an electoral commission, an *ad hoc* body elected by each soviet from its own members for the duration of the elections. Prior to the actual polling day, many election meetings are held for each electoral area, forming a number of "eliminating rounds" for the several candidates who may have been put forward. At these meetings candidates are closely questioned and this process of selection goes on until there is probably only one candidate left. The election proper—the actual polling day—is often a matter of putting an almost unanimous seal upon the public choice which has resulted from the examination of candidates. To make sure that the elected deputy is genuinely representative, he is obliged to poll at least 51 per cent of the total electorate (not of the votes cast only) and failing this, the election must be held again.

#### PRESIDING OFFICERS

The presiding officer of a city council is alluded to throughout this work by the English word "mayor", except in the case of Germany, whose "burgomaster" (*Bürgermeister*) differs so widely from a mayor that it seems convenient to use that term. Of course there are different titles for this officer in the different languages. Those of Belgium, Holland, Denmark and Sweden are directly derived from the German.

The French word is *maire*, the Italian *sindaco* (but *podestà* under the Fascist régime), the Spanish *alcalde*. Various titles are used in the different Swiss cantons—*maire*, *syndic*, *Gemeindepräsident*, *Stadtammann*. The Bulgarian mayor is called *kmet*, the Hungarian *biró*, the Polish *prezydent*, the Czechoslovakian *starosta*.

The mayor of a city is most often elected by the council from among their own members, but in Great Britain he may be elected from outside the council, provided that he is qualified for election as a councillor. In many countries this election needs confirmation by the central government, while in some (Belgium and Holland) the appointment is actually made by the Crown, though almost always of the nominee of the council.

In Great Britain no confirmation is required of the election of mayor, which takes place annually. Re-election is permissible, but, as the post of mayor is looked upon as one of prestige rather than as one of administrative leadership, and every member of the council aspires to occupy it at some time, no particular qualification or capacity for the post being considered necessary, it is most usual to make a change every year. For the same reason the election as mayor of a non-member of the council, though legally permissible, is seldom resorted to. The presiding officer of the City of London and of seventeen of the largest cities is called "Lord Mayor".

The French mayor is elected by ballot, by and from among the members of the municipal council, for six years. In the United States the mayor is almost always elected by popular vote, usually for two years, and this is very generally the case in Canada and sometimes in Australia.

Under the normal German procedure (i.e., before the Nazi régime) the burgomaster stood on a very different footing from mayors of these types, for he was a trained administrator, appointed by the council, after advertisement, for a period, as a rule, of twelve years. He was eligible for re-election, but it was the practice for burgomasters to progress from smaller towns to larger. He was the master, rather than the servant, of the council. The head of a *Stadtkreis* or county borough was known as an *Oberbürgermeister* and had

burgomasters under him as deputies. In nearly all towns the burgomaster was salaried, but not in all the smaller communes.

In most European countries, in the United States and, generally, in the British Dominions, mayors receive a salary. In France, until recently, mayors were unpaid, but the law permits municipal councils to vote allowances to mayors for expenses in connection with their office, and of late years the administrative courts have recognized a wider interpretation of this power. There is consequently a growing tendency towards a mayoral salary. In Great Britain a county or borough council may pay the chairman or mayor such remuneration as they think fit. The practice varies. No county council pays their chairman a salary, but many boroughs grant salaries to their mayors, while others allow a sum of money for the expenses of the office. This seldom covers the whole of the mayor's expenditure.

In the larger areas (provinces, etc.) the head is almost always a State official, centrally appointed, but in Great Britain the chairman of a county council is elected in the same way as a mayor and his election needs no confirmation. The same applies to the chairman of rural district and parish councils. In Australia the head of a shire council (chairman, president or warden) is usually elected by the members, but in some cases directly. The head of a Canadian village or municipal district, called the "reeve", is frequently, though not always, elected by the council from among their own members. The county councils of Ontario and Quebec elect their own president, who is called a "warden". In the United States, curiously enough, there is no chairman of a county board.

The head of a French department is the prefect, nominated by the Minister of the Interior, appointed by the President and holding office until he is promoted or superseded. His salary is paid by the State. His appointment is largely political and he is expected to act as the political and electoral agent of the government of the day. He is the local agent of all the central ministries and appoints nearly all the subordinate officials in the department, including school teachers. He has very wide powers as regards police and public health for the



whole department and has considerable powers of control (including financial) over the communes and their mayors. His power, however, has decreased in recent years, and it is even rumoured that the post may be abolished. The prefect is not chairman of the general council, who elect their own, but he may attend their meetings.

The head of a German *Kreis*, the *Landrat*, occupies much the same position as the French prefect, with rather less power. The Belgian *gouverneur* and the Dutch *commissaris* of a province more nearly resemble the British conception of a "governor" (as in the Dominions and British India). The Danish *amtmand* and the Norwegian *fylkesmand* are something between the two. These officers are in each case appointed by the Crown.

#### PAYMENT OF MEMBERS

In Great Britain neither aldermen nor councillors receive any salary or other payment for their services, while only the county councils can, if they choose, pay the travelling expenses of their members. In this respect Great Britain is not unique among European countries, as in most of them the ordinary town councillors are unpaid, but it must be remembered that in the other countries the amount of time devoted to the work is very much less, since the councils usually meet less frequently and there is not the same committee work. On the other hand, the members of executive bodies, whether in the towns or provinces, are usually salaried and the members of provincial councils get their travelling expenses as a rule and sometimes an attendance allowance.

In the United States the practice is exactly the contrary. Councillors are almost always salaried and in some cities receive \$5,000 a year or more. A certain number of Canadian cities have in recent years voted their members a moderate salary or attendance allowances, but this has not as yet become common.

#### COUNCIL MEETINGS

In the United States, under the mayor-council system, councils meet weekly in the larger cities, fortnightly or monthly

in the smaller. In a large commission-governed city it is not uncommon for the commission to meet daily. The practice in city-manager cities varies greatly—monthly meetings are usual. In nearly all cases meetings are open to the public and it is even permissible for a member of the public to take part in a debate.

In Great Britain the meetings of town and district councils are usually held monthly, those of county councils quarterly. In either case a meeting does not last more than a day, sometimes only an hour or two. All council meetings are open to the Press, but not obligatorily so to the public, although this is usual, as is the case also in the Dominions. The meetings of certain committees (education, public assistance) are also usually open.

In countries in which each local council has an executive, the meetings of the councils themselves are not as a rule so frequent, though in Belgium many communal councils meet weekly or fortnightly. In France a municipal council must meet at least four times a year, its meetings being open to the public. The budget session may last for six weeks, the others for fifteen days. Of the council-general (of the department) there are two ordinary sessions in the year and extraordinary sessions may be summoned by direction of the central government or at the request of two-thirds of the councillors.

The Dutch communal council must meet at least six times a year and also whenever summoned by the burgomaster, the "college" or a certain proportion of the members. It usually meets in the larger communes once a fortnight and in the smaller ones every three or four weeks, but in the very small villages often no more than the six statutory meetings are held during the year. All meetings are public unless otherwise specially resolved.

In the U.S.S.R the city soviet meets at least once a month. Special sessions may be called by the presidium (which itself meets at frequent intervals) or at the request of one-third of the members. The *raion* soviet meets at intervals of several months.

## CAPITAL CITIES

The constitution of capital cities usually differs from that

of other cities in the same country, largely because it is considered necessary that the central government shall have more direct control over them. In some cases (Rome in particular) it has been the custom for the government to give large grants to the capital city for improvements or for the preservation of antiquities.

Paris is the only city in France which has no mayor. It (and the Department of the Seine, of which it forms part) is governed, except as regards police functions, by the "Prefect of the Seine". Police functions are exercised by the "Prefect of the Police", who is a colleague, not a subordinate, of the Prefect of the Seine. There is an elected municipal council of Paris, consisting of ninety members, elected for four years and paid, and a council-general of the Department of the Seine, consisting of the members of the municipal council of Paris together with fifty members from the two *arrondissements* outside Paris (both bodies elected by proportional representation) but these bodies have no executive powers. For subordinate administrative purposes Paris is divided into twenty *arrondissements*, in each of which there are a mayor and at least three deputy mayors. They are appointed by the President of the Republic and are merely agents of the Prefect of the Seine.

The administrative system of Berlin was altered several times in the years preceding the Nazi revolution, and a new constitution was established by an Act of the 1st December, 1936, but, as it seems unlikely that that constitution will be upheld, it is unnecessary to enlarge upon it.

Stockholm has a "royal governor" and a town council of one hundred members, which appoints a town board to exercise supervision over the administration. Vienna, which is at the same time a commune and a province, has a communal council of one hundred members, elected for five years, which chooses a town senate of at least ten members, including the burgomaster and his two assistants. These latter, with certain officials, form the executive body, known as the *magistrat*. The constitution of the city of Prague is very similar.

The municipal assembly of Budapest consists of 149

members, of whom 108 are directly elected for six years by proportional representation. This body recommends three persons as chief mayor, one of whom is appointed by the Governor for six years, his salary being paid by the State. There is also a "small meeting" consisting of twenty-six members of the municipal assembly, of whom twenty are appointed by the assembly and six by the chief mayor. It is not an executive body.

The government of Moscow is a very elaborate affair. The principal authority is the *mossoviet*, the general assembly or *plenum* of which consists of one member for every 3,000 of the population. In addition, there are the "under-studies" or substitutes, who must not exceed one-third of the number of members. The soviet is elected for two years and appoints a *presidium* of fifteen members for the same period. This body meets every few days. The plenum meets every six or eight weeks and its session may last several days, usually from about 5 p.m. till midnight.

The delegates to Mossoviet are organized in twenty-five sections, dealing with various services or functions. These sections vary greatly in size, that dealing with public health having 600 elected representatives of Mossoviet and, in addition, 1,000 so-called "activists", i.e., persons of energy and public spirit who are anxious to devote their spare time to assisting a particular part of the work of Mossoviet. The finance section, on the other hand, consists of only thirty members. Each section is required to appoint a bureau, consisting of about five persons, which meets every few days and is the executive organ of the section.

Moscow is divided into twenty-three districts (known as *raions*), each of which has a soviet elected independently of the Mossoviet. The plenum of a district (*raion*) soviet, which may consist of over 200 members, elects a presidium of seven members or so, which meets weekly. Much of the detailed administration of the city is delegated to these bodies.

The city council of Tokio consists of 144 elected members and fifteen aldermen. The city is divided into thirty-five wards, for each of which there is a headman appointed and removable by the mayor, and an elected ward council.

The special governmental organization of London (its County Council, City Corporation and twenty-eight Metropolitan Boroughs) is due to its exceptional size. None of the bodies mentioned are more subjected to the central government than any other local authority. It is of significance, however, that in the Metropolitan Police Area, which extends to a radius of about twelve to fifteen miles from Charing Cross, the responsible police authority is a Commissioner of Police, appointed by the Crown and under the direct supervision of the Home Office. The City Corporation, however, has its own police force for the square mile which constitutes the City of London.

The capital cities of two countries—the United States and Australia—stand on a special footing, since their sites were definitely acquired and delimited for the purpose, they have no elected local councils and their administration is directly subject to the national government in each case.

Washington is not in any of the forty-eight States, but is coterminous with the District of Columbia, which was created to be the site of the capital city. The District is not a state, and, although Congress has sole and plenary legislative power within it, its government is not strictly a part, but rather an agency of the Federal Government. The governing body (the form of which has been frequently changed) now consists of three commissioners appointed by the President on the advice of the Senate. They receive a salary of \$9,000. There is no elected body, but there are a number of boards for different purposes, the members of which are appointed in different ways.

Canberra, the capital of the Commonwealth of Australia, occupies twelve square miles of federal territory (which extends to 940 square miles). The affairs of the city and territory are administered by the Commonwealth Department of Home Affairs, assisted by an advisory council of four appointed national officers and three elected residents. The Commonwealth legislature is responsible for all municipal legislation and administration throughout the city and territory, and the budget is subject to the approval of the Commonwealth Parliament.

## CHAPTER IV

### OFFICIALS

#### WHO ARE OFFICIALS?

It has been mentioned that the German burgomaster was a trained administrator and was salaried. In other words, he was an official—at the same time of the State and of the local authority. It is sometimes suggested that he occupied the place of the British mayor and town clerk rolled into one, but neither mayor nor town clerk has, or ever has had, the power to override or to ignore the wishes of the council, which was open to the burgomaster. During the Nazi régime, the dominating power of the burgomaster was enhanced, but this was not an alteration in principle. In Italy, during the Fascist régime, the *podestà* (appointed by the prefect) occupied a position of similar power—in fact, he *was* the local authority, as indeed might also be said of the burgomaster.

In no other country is such a situation to be found. The nearest thing to it is the position of the mayor in the “strong-mayor” type of mayor-council government in the United States, but these mayors are not trained as administrators.

In the United States not only the mayors, but also the councillors, are called “officials”—and not inappropriately, since they are salaried. In both France and Germany, the definition of “officials” covers both paid and unpaid, though a distinction is drawn between them in various respects. It must not be assumed that, in French-speaking countries, the term *fonctionnaire* bears the same meaning as the English term “official” or “officer.” Generally speaking, an elected person is not known as a *fonctionnaire*. On the other hand, a burgomaster, for instance, may in the eye of the law be a *fonctionnaire* in one respect and not in another.

In Great Britain the distinction between councillors and officials is very strictly marked. The former are unpaid. The latter (including even the town clerk) are the servants of the

local council, their duty being to carry out the orders of the council and to exercise no initiative of their own. They cannot be members of a council or of any committee, but they are advisers, whose technical knowledge and experience are fully appreciated. In council, even if they are present, they may not speak unless called upon by the mayor, except that the town clerk may sometimes find it necessary to do so, in order to elucidate some point. On committees the appropriate official takes an active part but is not entitled to vote.

### THE COUNCIL MANAGER

There is one American official whose case deserves special attention. This is the council (city or county) manager, who is to be found in a growing number of American cities. The method and terms of appointment of a city manager differ according to the charter of each individual city, but, generally speaking, it may be said that he is appointed by the elected council, sometimes annually, sometimes for a period of years, sometimes for an indefinite period, subject to written notice. The majority of city managers have been engineers, for it was found that the type of mind developed by an engineer's training proved the most suitable. Men from other professions, however, including university professors, have proved themselves successful city managers. Lawyers are seldom chosen.

On his appointment, the city manager becomes solely responsible for the day-to-day administration of the city, for the appointment and control of the subordinate officials, and, among other duties, for the preparation and submission of the annual budget. The responsibility of deciding on the course to be followed in matter of policy remains with the council, but the city manager provides the council with information and advises them on matters of policy if the council so desire.

The position of a city manager emphasizes the American conception of local government as a business concern. A meeting of council in a "council-manager" city closely resembles the board meeting of a company, the city manager corresponding to the managing director of the company. He reports on action which he has taken since the last meeting of the council, he makes suggestions as to the future and he may at times

call up some other official and even a member of the public to clarify some point by their evidence.

It is sometimes thought that the city manager is practically a local dictator. This, however, is not the case. He is definitely the servant of the council, which has complete control over him through: (a) its power to appoint him; (b) its power to dismiss him (although a specific majority of votes is required in some cases); (c) its power to pass ordinances and resolutions, subject to no veto whatsoever; (d) its power to control expenditure; (e) its power to investigate his books and administration at any time, and (f) his duty in most cases to be present at council meetings and to answer all reasonable questions pertaining to the conduct of the city administration. In some cases he is liable to the possibility of the "recall"—i.e., demand for his dismissal by general vote of the electorate.

Both city and county managers have been established in Eire, the former in the four county boroughs and the latter in all the counties. County managers normally perform the executive functions of local authorities, i.e., those functions which are not expressly reserved to the council by the County Management Act, 1940. These reserved functions include the making of a rate and the borrowing of money, the making, amending or revoking a by-law, the promotion of or opposition to legislation, and a number of points connected with town and regional planning, housing, elections and other matters.

The Irish county manager has full control over staffs and submits the budget for the council's consideration. He has no power regarding policy, but has the right to tender advice. He may attend meetings of the county council or any elective body in the county, and may speak but not vote. He must so attend if requested. His appointment is subject to the Local Appointments Commissioners (v. inf. p. 68), he holds his post until he dies, resigns or is removed from office, and he may not be removed by the county council without the sanction of the Minister.

## THE TOWN CLERK

The position of the British town clerk is not the same as that of the American city manager, seeing that the responsibility



for day-to-day administration is in the hands of the council, except so far as it may have been delegated to a committee. As it has been well put by Mr. W. E. Jackson (*Local Government in England and Wales*), "The clerk's main function in a modern local government authority is to guide, influence and manage the whole organization so that it runs in accordance with the legal powers and duties of the authority and in accordance with the policy laid down by the council and its committees".

Until comparatively recently, the town clerk was looked upon primarily as the legal adviser of the council, but that he was always something more than this is shown by many passages in Dr. Redlich's great work (*Local Government in England*) from which it may be permissible to give a few quotations—"the town clerk may be regarded as the most stable and permanent element in English municipal government. . . . All the strings of administration are gathered in the town clerk's hands . . . the town clerk is the channel through which the whole business of the council flows. . . . The position of the official chiefs of particular departments is quite independent of that of the town clerk, in so far that they are not in any way subordinated to him by the rules of the service. On the contrary, every permanent head of a department is subordinated only to his committee, and through it to the council. It is the central position of the town clerk, his influence with the committees, his comprehensive knowledge and experience, not any definite or legal superiority, which makes him the head official of the town. He is the adviser-in-chief, and that is the function above all others which makes him a person of such importance in the municipal life of England".

Since the publication of Dr. Redlich's book, it has become more and more recognized that the town clerk—and the clerk of the county council—while strictly subordinate to the council, is its chief official and the person to advise, not merely on points of law, but on administration generally and even on policy.

It is, of course, his permanent position, as well as his legal knowledge and experience, to which is due the importance of the town clerk's office, not only in the background, but also in the public eye. While mayors come and go, the town clerk

remains, and there can be little doubt that the lengthening of the period of a mayor's office (which is sometimes suggested) would be extremely unpopular among town clerks, who have not only their own Town Clerks Society to support them, but who have always held a dominating position in the Association of Municipal Corporations.

In the British Dominions the position of town clerk is much the same as in Great Britain itself.

### COMMUNAL OR MAYORAL SECRETARIES

In countries in which the burgomaster or mayor of a town is the responsible executive and holds office for a substantial period, the position of the secretary of the council, who may be said to correspond to the British town clerk, is not of the same importance, although his work is becoming more and more exacting and difficult, in view of the growth of communal services. In small French communes, the functions of mayoral secretary are carried out by the schoolteacher, who, it must be remembered, is an employee of the State.

### APPOINTMENT AND PENSIONS

Officials, in the British sense of the term, are of course required by local authorities in all countries, and in increasing numbers. Sometimes they are appointed, as in Great Britain, by the local council or one of its committees. In other cases it is the mayor who personally makes the appointment, or perhaps the executive, where this is not the mayor. Where there is a council (i.e., city or county) manager, that officer will have the responsibility.

As regards the French salaried officials, most of the general legal principles apply equally to officials of the central and local government. In theory, all appointments are made by the President of the Republic, but laws or decrees may grant the power of appointment to some other authority. Thus, the prefect appoints many of the officials for all communes in the department, as well as officials of the council-general itself. Other communal officials are, as a rule, appointed by the mayor. For certain municipal officials there is a special mode of

appointment because they are in reality State agents. This is the case with the rate-collector, the octroi collectors, the chief officer of the fire brigade and the commissioner of police.

French law lays down provisions regarding pensions payable to officials by the State, the department or the commune, as the case may be. Generally speaking, there is deduction from salary of 6 per cent for pension purposes and the rate of pension is based on the average salary of the official during the last three years of service.

In the United States the old system of electing officials by popular vote lingers on in many cities, but appointment on the merits or by examination—what Americans call the “civil service system”—is making way. In 1943 more than one-half of the cities over 10,000 population had some classes covered under a civil service system. Sixty-four of the ninety-two cities over 100,000 population applied this system to all classes of their employees, but only 18.1 per cent of the cities between 10,000 and 25,000. The system does not exist in the counties.

By 1945, twenty-two American states had set up statewide retirement systems for municipal employees, all except three being optional as regards municipal participation. A typical instance is that of Oregon, which provides for equal contributions from municipality and employee, but allows the latter to restrict his contribution to 5 per cent of his salary, though this reduces his benefits accordingly. Both elective and appointive officials may participate if they choose.

A unique system is in force in Eire (Irish Free State). An Act of 1926 established a central body called “Local Appointments Commissioners”, not exceeding three in number. Professional, technical and chief executive officers may be appointed only on the recommendation of this body, unless with the Minister’s sanction the vacancy is filled by promotion. When a local authority desires to appoint an official, application must be made to these Commissioners, whose nominee (selected by examination or other means) the local authority is obliged to accept. Since the Act was passed, the number of offices to which it applies has been greatly increased.

Although, in Great Britain, local authorities are in the main independent as regards the appointment and management

of their officers, and are free to decide on their salaries provided that they exercise a reasonable discretion, certain specified appointments must be made, the qualifications which must be possessed by the holders of certain posts are prescribed by statute or regulation, and in some cases appointments and dismissals require the sanction of a Minister. (*Hadow Report*). All local authorities are compelled to make arrangements for the superannuation of all their whole-time officers and there is provision for the superannuation, under certain circumstances, of part-time officers and of temporary employees. A pension is generally earned by ten years service, the amount being based on the average yearly earnings of the last five years before retirement. In addition to the yearly pension, a retiring gratuity or lump sum may be paid. (W. E. Jackson.) The independent appointment of officers by each local authority in Great Britain made it extremely difficult to regulate this matter on national lines, but this was effected, thanks largely to the efforts of N.A.L.G.O., by the Local Government Superannuation Act, 1937.

Since the publication of the *Hadow Report*, a National Joint Council for local authorities administrative, professional, technical and clerical services (a development of the "Whitley Council" system) has been set up. The council consists of sixty members, thirty of whom represent the employing authorities and thirty the officers. The former include representatives of the local government associations and the latter of N.A.L.G.O. and other bodies, while both sides have representatives of the fifteen provincial councils. An independent chairman is appointed by the Minister of Health. The council issued in January, 1946, a "Scheme of Conditions of Service" (including scales of salaries) which has been widely adopted.

## TRAINING

The whole subject of the training of local government officials was very thoroughly discussed at three conferences organized jointly by the International Union of Local Authorities and the International Institute of Administrative Sciences. (Full reports obtainable from the International Union of Local Authorities, 5, rue de la Régence, Brussels.) The

first conference, held at Zurich in April, 1936, dealt with post-entry training; the second, held at Berlin in June, 1936, with what is described as apprenticeship, internship, probation, or, in the French term, the *stage*; while a third, at Warsaw in July of the same year, was devoted to pre-entry training.

It will be well understood that the reports of these conferences contain an immense amount of information as to the practice in various countries and the plans for the future—so much, indeed, that it is not possible to deal with it fully here. There are, however, two countries which are especially worthy of notice in this connection—Germany and the United States.

The former is the only country which has ever set up any complete system of pre-entry and post-entry training for local government officers, who, in Germany, closely approximate to civil servants. According to Dr. Kurt Jeserich, schools of administration had for some time past been financed by the cities and counties, providing a uniform system for the whole of Germany; no one was immediately appointed as an official, but every candidate must undergo a probationary stage of several years, during which he was not so much concerned with theory as with the acquisition of administrative experience and knowledge of the way to deal with the public. Dr. Jeserich said that up to 1936 some 30,000 officials other than technical had obtained diplomas. Technical courses had been attended by about 150,000 officials.

It is impossible to generalize about the position of the matter in the United States, for the different states vary so widely in the action they have taken. In 1942 twenty-nine American universities offered public administration courses and ninety-seven others public administration classes. Important are the Public Administration Centre at the University of Minnesota and the Graduate School of Public Administration at Harvard University. In some states, also, the state leagues of municipalities organize short courses of training, especially for police and firemen, while in 1932 the New York State Conference of Mayors, with the aid of funds from one of the great foundations, offered training courses for all classes of municipal employees who were not required by law to possess certain qualifications on entry into the service.

The University of Chicago, among others, has no set uniform programme for all the students, but has grouped the courses which were previously given in the various faculties (political and social science, law, commerce, medicine, etc.) having reference to certain administrative activities. The students, with the help of a professor, select the courses which will give them the required qualifications for admission into the various departments of the public service (staff, finance, public assistance, public services, town planning, general administration). Students have also the opportunity of studying with one or more of the institutions grouped in Chicago under the name of Public Administration Clearing House. At Stanford University, California, batches of students spend a certain period of their time in practical work at the City Hall, and similar arrangements are made in other American universities.

At the University of Cincinnati, graduate students who are studying general administration serve on a half-time basis during their first year and spend the other half of their time working for the City of Cincinnati and Hamilton County. During their second year, they work for six months with some out-of-town governmental agency, the last six months being spent in full-time work at the university.

At Syracuse University (N.Y. State) there is a school of training for public appointments which is open only to graduates of a college or university and is subject to a very strict system of selection, only fifteen candidates being admitted, though applications are numerous. The course covers two years and the students' time is alternated between theoretical studies and practical work under an administrative officer.

At the international conferences above mentioned, little could be said about Great Britain, since in that country, while there are many institutes and societies which provide training and examinations for technicians, there is no organized system of training for administrative officials. N.A.L.G.O. has for some years provided tuition by correspondence and has held examinations expressly designed for local government clerical officers. The universities of London, Oxford, Manchester, Liverpool, Leeds, Sheffield and Glasgow all give courses in

public administration, leading to certificates or diplomas, and in Manchester to a degree.

The "Hadow Committee" (Departmental Committee on Qualifications, Recruitment, Training and Promotion of Local Government Officers), whose Report (1934) is of very great importance, held that the situation was by no means satisfactory and that "the time has come for considerable revision of the present system of recruiting and training officers". It is impossible here to go into all the Committee's conclusions, but it may be mentioned that there is no suggestion that this matter should be taken over by the State.

The results of the discussions at the three "Round Table Conferences" at Zurich, Berlin and Warsaw, were very ably summarized by M. René Didisheim, but, as he said, no vote was taken on any of the points. M. Didisheim's summary (published in *Local Government Administration*, Vol. III, No. 2) is too lengthy to be quoted in full, but the following passages in particular are worthy of note, it being understood that they represent the views of authoritative persons coming from a large number of countries:

### *Qualities required for a good official*

The improvement of the efficiency of the staff of public authorities at all stages, entails development, not only in technical and professional knowledge, but also in certain personal qualities which the staff of public authorities must possess.

These qualities are of four kinds:

- (1) Moral worth.
- (2) General intellectual capacity.
- (3) General administrative culture.
- (4) Certain special aptitudes necessary for the exercise of certain specific functions.

It is essential that a rigid, thorough and impartial selection of the candidates should be made, with special reference to the qualities outlined above. The promotion of officials should be effected with the same care and impartiality, no attention being given to any consideration other than the merit of the candidates. The service must be given that measure of security, which will be an assurance to the official that he may act without fear or favour.

*Training for the Public Services*

Subordinate officials do not require a pre-entry training. Besides the essential qualities of character and keenness, nothing more is expected of them than the possession of knowledge relating to the duties to be performed.

Middle-grade officials must give evidence of a general culture before their entry into the service, together with a theoretical knowledge relating to the administrative service which they desire to enter.

Higher officials must possess a wider culture, a knowledge of administration, and personal qualities essential for a chief.

Apart from specialized teaching, the universities should be able to supply a complementary education, which would give the technician a sense of public service and a knowledge of administration. The possession of a university degree may be taken as evidence of a general culture. It would therefore be desirable that young people who are ambitious of rapid promotion to higher administrative posts, should have a university education. Nevertheless, promotion to these higher positions should not be barred to those officials who have no degree, but who in the course of their career have shown outstanding administrative ability and who, by examination, can give proof of their general culture. But it appears that the existing university courses provide inadequate training for the higher administrative positions . . . whatever system is preferred it is necessary that a close connection should be established between the public authorities, the universities and the organizations for inquiry and research into administrative problems.

*The Probation Period*

The conference . . . gave special attention to the idea of a trial period, which should enable senior officers to form an opinion of the qualities and aptitudes of a person who has already been provisionally appointed. Nearly all the members of the conference recognized the value of this probation period, during which the official was not definitely appointed and could be discharged by the administration.

In order that this trial period may fulfil its purpose, three influences must be brought to bear on the probationer:

- (1) Practical work.
- (2) Contact with senior officers.
- (3) Training courses.



The probation must be long enough to allow the superior officers to form a correct opinion of the candidate. Regularly submitted written reports by the senior officers constitute the best guarantee of impartiality and objective opinion. An examination at the end of the probation period would enable the authorities to assess the abilities of the candidate.

### *Post-entry Training*

The principle having been accepted that very young middle-grade officials should be recruited after a strict selection connected mainly with their personal qualities and aptitudes, it follows that they should later be given the opportunity to supplement their stock of knowledge. This training can be acquired as easily by individual application as by instruction.

The main purpose of instruction in the training of administrative staff should be the development of a general administrative culture. Co-operation between educational institutions and the administration cannot but contribute to the cultural and theoretical training of officials, as well as to the development of the practical knowledge of university teachers. . . .

Officials who have followed courses of training should be provided with a certificate which shows their attendance at the courses and the result of the examinations. These certificates may be taken into account in determining the choice of the higher authorities, but should not necessarily of themselves constitute a qualification of the official for promotion.

All methods which favour contact, exchange, and discussion between officials, and also meetings held for the purpose of studying administrative questions, are very useful for individual training. . . .

Sir Gwilym Gibbon, C.B., C.B.E., a British representative at these conferences, made some interesting comments (also published in *Local Government Administration*, Vol. III, No. 2) on M. Didisheim's summary. "We in this country," he said, "give great weight to the education which any keen mind can extract from the actual doing of work. The theoretical equipment which a man brings with him, whether in a higher or lower administrative post, is no more in the main than an instrument by which he can the more rapidly and effectively qualify himself for responsibility by learning from his day-to-day work." Again, "men in the lower ranks destined for the

higher should be selected at an early age, before their exceptional ability has been withered by long years of comparatively routine work, for innate qualities grow only with opportunities for their exercise and if persons of special aptitude are not given their chance at an early age the public service is guilty of wasting an asset of great value”.

Whereas the most complete system of training for the administrative career was to be found in Germany, it should be noted that research on the subject is most active throughout the United States, that many experiments have been tried in various states, and that there is a great variety of experience. It appears to be the general view in America that a broad general university education is important as a pre-requisite to special training in public administration, for which reason training in public administration in American universities is very largely at the graduate level.

## CHAPTER V

### FUNCTIONS

#### MAIN PRINCIPLES

THERE are two main principles regarding the functions which may be exercised by local authorities. The first is that a local authority may do anything which it considers to be for the good of the community, provided that it is not specifically forbidden by law or attributed by law to some other authority. The second is that no local authority may do anything which it is not definitely entitled to do by virtue of a public or private Act of Parliament. There is a third principle which is operative in the U.S.S.R. only—namely, that whereas by law there is nothing which is beyond the scope of any local authority's powers, its actions may be over-ruled by any higher authority.

Germany is the outstanding example of the first of these principles and it is claimed by Germans that, for this reason, local self-government exists in their country and not in Great Britain. There are, however, in Germany, so many restrictions on the principle that this claim cannot be substantiated. Thus, all police matters—which include every item of administration involving penalties for the contravention of a regulation—have always been withheld altogether from the local self-governing authorities. This means that those authorities have had but little to do with public health administration. The education authorities, too, have always been organs of the central government. And even as regards that part of local administration which is left to the local authorities, the financial control by the central government has always been so strict that their freedom was very limited.

In France each municipal council is entitled by law to “regulate by its resolutions the affairs of the commune,” but it is the supreme administrative court—the *Conseil d'Etat*—which interprets the meaning of the term “affairs” and does so in a sense which severely restricts the actual powers of the

communal authorities. So, too, in Belgium the Communal Law gives the communes wide powers, which are restricted in practice.

The position in other European countries varies. In some (e.g., Holland, Norway and the German communes of Switzerland) the practice most closely resembles the German. Great Britain, on the other hand, strictly adheres to the second principle, which is followed by other countries (e.g., Denmark, Sweden). This is the case also as regards the British Overseas Dominions, but the powers and duties assigned by law to the different types of authorities are (as in Great Britain itself) very extensive.

In the United States the powers and duties of local authorities depend upon the constitutions or legislation of the several states or upon the terms of the charters of individual cities. In practice this means that the municipalities can, generally speaking, carry on as many branches of administration as the natural individualism of the American people is willing to allow.

The functions of local authorities in any country are either obligatory or non-obligatory, although these terms may not always be used. In exercising the former, the local authority is in reality a mere agent of the central government, although it may be allowed a certain discretion as to the details of administration. In Great Britain there is a type of function which may be said to come between these two, the central government fixing a minimum standard and the local authority having power to go beyond this if it so desires.

Functions which are definitely, in some countries, part of the local self-government system, will in others be centralized and administered either by officers of the central government or by the local authorities or one of their officers as its agent.

## POLICE

Great Britain is almost unique, so far as Europe is concerned, in that, except in the Metropolitan Police Area, the police are under the control of local authorities—that is to say, the watch committees of county boroughs and certain other boroughs, and elsewhere a standing joint committee appointed

partly by the county council and partly by the justices in Quarter Sessions. It is true that these authorities have to carry out strict Home Office regulations, that their police forces must meet with the approval of Home Office inspectors, and that the appointment of chief constable is subject to the approval of the Home Secretary. None the less, the local bodies are definitely the authorities for all police purposes, and the chief constable in each case, though he occupies a more independent position than other local government officers, is an officer of the local authority and not of the State.

In other countries it is an almost invariable principle that police of all kinds are a matter for the State. Even where there are municipal police, so-called, they will usually be under the control of the mayor or burgomaster as representative of the State. This applies not only to the general or security police, but also to the administrative police. Although that term is not used in Great Britain, the British police carry out many duties which would be described elsewhere as administrative police duties—e.g., traffic control. This does not mean that in other countries there is a clear line drawn between the general and administrative police forces. Far from it. Their duties and power overlap considerably.

The communal police in Belgium are an exception to the above statement, since they are appointed and paid by the communal council, but are responsible to the burgomaster, who is an officer of the State in police matters. All police regulations must be reported to the Governor, who can suspend their execution or propose to the government that they be annulled. There is also a State police force—the gendarmerie—which has largely concurrent powers with the communal police.

French law recognizes both “municipal” and “general” police, the latter having jurisdiction over the whole country. Except in the case of Paris and a few other cities, where the police are directly subject to the central government, the local police authority, both for municipal and general police and both for urban and rural areas, is the mayor, but in this capacity he is in all respects under the control of the prefect or sub-prefect.

The French police are also divided into "judicial" and "administrative", the municipal and general police being concerned with both of these divisions. It is the function of the administrative police to prevent any act likely to disturb the public order or security or to endanger the public health, while it is that of the judicial police to assist the courts in dealing with the perpetrators of any such acts when they have taken place and in repressing crime. While the former is primarily the mayor's concern through the municipal police, the general public have power to intervene whenever necessary.

It is to be observed that, as part of their duty to maintain public order, the administrative police are concerned with the activities of religious bodies (*régime des cultes*), with public meetings (*régime des réunions*) and with the press, as well as with public hygiene and sanitation in every aspect.

In every commune with less than 40,000 inhabitants, there must be one or more *commissaires*, appointed by decree and under the disciplinary control of the prefect, but obliged, locally, to obey the orders of the mayor. In towns with a population of 40,000 or more, the police are organized by decree, the municipal council having merely a consultative power. Moreover, under a decree of 1935, there must be in each department, under the authority of the prefect, a divisional *commissaire*, to centralize and direct the general administrative police and to assist the prefect in his supervision over the municipal police.

The municipal police include *gardes champêtres* and *agents*, who are appointed by the mayor with the approval of the prefect or sub-prefect.

The general police include (1) special agents under the Minister of the Interior, and (2) the gendarmerie, who are in fact a military force, organized and paid for by the War Office, but, so far as they act as administrative police, responsible to the Minister of the Interior.

The expenses of the municipal (including the rural) police fall on the communes and are "obligatory". The salaries of the *commissaires* are a state charge.

In pre-Nazi Prussia all police (including administrative) were under the state, in the larger towns directly, but in the

smaller ones through the burgomaster. In the country districts the *Landrat* (central official head of the *Kreis* or county) was responsible under the head of the *Bezirk* or district (*Regierungspräsident*). In southern Germany, generally speaking, the local police were, except in the larger towns, a recognized part of local government—i.e., under the mayors or executives, subject to the usual hierarchical control. The German system of administrative police has always recognized a number of different types of police for different purposes. In *Die Deutsche Gemeinde* (1938) Dr. Jeserich gives a list of no less than fifteen types (including building police, fire police, health police, market police, school police) and it must not be supposed that this kind of organization was purely a Nazi innovation.

In the United States twenty-two states now have state police forces, while twenty-three other states have State highway patrol forces. The state forces, however, are not allowed to interfere in the cities except in Boston, Baltimore and St. Louis, where the police are under state control and their chiefs appointed by the state government. Elsewhere, the mayor usually appoints the police chief, sometimes subject to the assent of the city council. It is doubtful, however, whether this is any real check on the mayor and there seems to be a lack of definite responsibility for police management. In a number of cities, especially some of the larger ones under the council-manager system, there is a very complete and successful police organization. On the other hand, we sometimes find such cases as that of Chicago, where, in addition to the regular city police, each of the three large park districts and some of the smaller ones have forces of their own. In what may be called Greater Chicago there are 350 regular and 350 private forces. No member of one police force will act within the jurisdiction of another and there is little co-operation.

Apart from the state police, the country districts have little police protection in the majority of states. The elected "sheriff" is still nominally responsible, but does not seem to take his responsibility very seriously, while the constables, who are also popularly elected, are of no great assistance.

The object of the American police organization is the prevention and repression of crime. While there may be police

regulations for certain purposes (e.g., traffic control) the term "administrative police" is not recognized.

## EDUCATION

In most countries education is looked upon as a State, or at least as a provincial, matter. In France, it is as completely centralized as it was in the totalitarian States. In Belgium and Holland, however, elementary education is a communal function (though in Belgium there is an obligatory curriculum and the State pays a minimum salary to teachers) while in Switzerland it is either under the ordinary commune or under a special school commune, most of the cantons retaining the administration of higher education. In Denmark elementary education is local, supported by the State and subject to supervision. In each commune there is a school commission of from five to nine members, elected from among the members of the council or from outside, which supervises the instruction. Between these bodies and the Ministry of Education there is a county board, consisting of the governor (*amtmand*), a dean and three members elected by the county council, with an adviser who is appointed by the Minister of Education for six years. Higher education is cared for by the State.

In Sweden elementary education is communal (although in small country communes it is still to a large extent under church administration), whereas in Norway the system is national, the local management, however, being in the hands of a school council, consisting of one clergyman, with representatives of the town or district council. In both countries higher education is mainly under the State.

Although, as has been said, the administration of education in France is completely centralized and the local authorities, as such, have no powers in relation to it, the system of "cantonal delegates" does give an opportunity for local public opinion to be brought to bear on it. These delegates, who are unpaid, are appointed by the departmental council for elementary education, which consists of the prefect, the chief inspector *inspecteur d'académie*, the director and directress of the normal school, two elementary inspectors nominated by the Minister, four members of the *conseil-général* of the



department, and two masters and two mistresses elected by their colleagues. One delegate or more is appointed for each canton, in which they must be resident. They meet at least once a quarter. They discuss possible improvements in the elementary school services and may be consulted by the prefect as to the accommodation which the communes must provide and similar matters. The prefect is obliged to consult the delegates on the question of the creation or abolition of a school or class, contrary to the recommendation of the municipal council concerned or in the absence of any expression of opinion by the municipal council. The individual delegates are each allocated to one or more schools, which it is their duty to supervise. They may attend meetings of the departmental council in a consultative capacity when school matters in their area are dealt with. It is questionable, however, whether this system is widely effective.

In Prussia (pre-Hitler), whereas the educational authorities were organs of the central government, local school committees, on which members of the communal councils served together with officials and other persons, exercised immediate supervision over the schools. Under the Nazi régime it was laid down that, in the matter of education, a decisive influence must be exercised by the state "for political reasons".

Under the British system, education, both elementary and higher, other than university, is a function of the local authorities (mainly the county and county borough councils, with a power of delegation by the former to minor authorities) under the control of the Minister of Education. Each council must appoint an education committee under a scheme approved by the Minister. Provision must be made for the appointment on the committee of persons of experience in education and for the inclusion of women. Teachers in the schools may be members of the committee, although not members of the council. All matters relating to education are referred in the first place to this committee and the council may delegate to it any or all of its educational powers except the power of raising a rate or borrowing money. The actual conduct of public elementary schools is supervised by school managers, who are appointed by the local authority or, in the case of a school

not provided by the local authority, partly by the body of persons responsible for its establishment.

In the British Dominions education is mainly either State or provincial, but in Canada the actual administration is carried out by local school boards or boards of trustees—in the province of Quebec there are two categories of educational institutions, catholic and non-catholic. In New Zealand there are 2,500 school committees elected annually by householders to look after school buildings and these committees elect biennially nine education boards to establish, maintain and control elementary schools. There are separate boards for higher education constituted by Order in Council.

Education in the Soviet Union is centralized under the Peoples' Commissariat of Public Education, known as Narkompros, the local education department in each city or other soviet being obliged to carry out the policy laid down by Narkompros for the whole of the Union. The elected members of a soviet have no power to decide any matters of importance or even to question the decisions of the central authority. As regards the purpose of education, Lady Simon points out (*Moscow in the Making*) that in this the Soviet Union differs from any other country. "Every faculty is to be developed, every activity encouraged except the desire and the capacity to question fundamental principles of religion, philosophy, law, economics and politics". It is undoubtedly true that the system has had amazing success in the abolition of illiteracy. Says Lady Simon: "It is magnificent—but is it, after all, education?" It is to be noted that in the Soviet Union there are no schools designed specially for the children of the middle-class and the wealthy bourgeoisie or the aristocracy. All infants and children of school age and all adolescents obtaining higher education, classified merely by age or by grade of study, attend the same schools and colleges, whatever the position or the income of their parents. (Sidney & Beatrice Webb. *Soviet Communism*.)

In the United States the administration of elementary education has hitherto been kept entirely distinct from that of the ordinary local authorities. School boards have been elected *ad hoc*—in the same way as in England and Wales

before 1902—and the difference of their areas from those of the other authorities is shown by the fact that there are 127,108 school districts as against 36,628 cities, villages, towns and townships and 3,053 counties. Put in another way, it was estimated that there were, in 1933, 175,418 units of government (including the nation as one and the forty-eight states) and, of these, 127,108 were school districts. In the sense here used, a unit of government means one which has its own separate governing organization and has power to raise revenue either by taxation, special assessment or service charge.

As regards education other than elementary the position is different. There are many municipal colleges and several municipal universities. Since 1920 public junior colleges, as they are called, have made their appearance, mainly in the large cities. In 1937 the number has reached 229 and the attendance 90,437. There are also many municipal technical schools and schools for the deaf, the blind, the feeble-minded and the subnormal.

A movement for a change in the educational system is mainly due to the financial difficulties of the school boards and to a tendency to claim further assistance from the Federal Government. That the educational system is not satisfactory—quite apart from financial questions—is the opinion expressed by a committee appointed by the University of the State of New York. They considered that the schools in New York had been slow in adjusting themselves to changing social, political and economic needs and, among other recommendations, they urged a reduction in the number of separate school districts by organizing the state into larger central districts. The comment of the American Municipal Year Book on this was that “the report contains many recommendations, most of which might fit any one of the other forty-seven states”.

## HIGHWAYS

The construction and maintenance of roads and streets is, in every country, shared between the state, the province or county and the local authority according to the importance of each class of highway. In some countries the State plays a larger part than in others.

The French *corps des ingénieurs des ponts et chaussées* is the most complete and comprehensive instance of a national system. The roads in France are classified as follows:

- (1) National roads (*Routes nationales*):
  - (a) Leading from Paris to the frontiers or to large military and naval stations;
  - (b) Similar roads of somewhat less importance;
  - (c) Connecting important provincial towns with Paris or with one another.
- (2) Departmental roads (*Routes départementales*):  
Connecting the principal towns of a department or of adjoining departments.
- (3) Vicinal roads (*Chemins vicinaux*):
  - (a) *De grande communication*. Those which connect communes with the principal towns or a large railway station;
  - (b) *D'intérêt commun*. Those which connect a group of communes with the local centre or with a secondary railway station;
  - (c) *Ordinaires*. Those which connect communes or hamlets with one another.
- (4) Urban streets (*Rues*).  
Streets in cities or towns which do not form continuations of national or departmental roads.
- (5) Rural roads (*Chemins ruraux*):  
Mainly footpaths.

The national and departmental roads (known as *la grande voirie*) are under the general control and supervision of the Minister of Public Works, represented in the department by the prefect. The streets of Paris (owing to the extensive government grants) are also included in *la grande voirie*.

All national roads must be, and departmental roads may be (and commonly are) constructed by a special office of the central government, *le Service des Ponts et Chaussées*, and the total expenses of each type are borne by the central authority and the department respectively.

Roads are classified as national by a ministerial order, and as departmental by a vote of the council-general, but the construction of a new national highway requires a special law. The regulation of traffic on both these groups of roads is in the hands of the prefect.

The remaining roads (*la petite voirie*) are all under the control of the Minister of the Interior, represented locally by the mayor and in some cases by the prefect. The vicinal roads belong to the communes, but all works in connection with them are carried out by the department or the prefect, the cost being shared between the department and the commune. For the *petite voirie* as a whole the communes often receive grants, and more frequently loans, from the central government.

The classification of these roads is made by resolution of the local authorities; for the more important groups by the councils-general, subject to the approval of the prefect.

In Germany, the central government has in recent years taken more and more responsibility for the roads, especially in the construction of *Autobahnen*, reserved for fast motor traffic.

Sweden was, in 1922, divided into 379 "road service districts", for each of which a highway board was chosen by the persons responsible for the upkeep of the roads, which were for the most part maintained in kind by the owners of landed estate, the state defraying three-tenths of the cost.

In Great Britain the principle of State or national roads has only recently been introduced and even now the Ministry of Transport does not by its own staff construct or maintain these roads, but only inspects and makes grants to the local highway authorities. These are (since 1929) the county boroughs for all their roads and streets, and the county councils for all "classified" (i.e., the most important) roads in urban areas and all highways in rural districts, but county councils may delegate powers to the councils of non-county boroughs, urban and rural districts. Urban authorities have full control of all "unclassified" roads and streets.

In the United States the cities and the county boards are mainly responsible for the highway systems within their respective areas, but state aid and state supervision are extending, while in several cases all local highway systems have been placed under the state. In recent years, too, the Federal Government has appropriated large sums for the building of national highways in co-operation with the states, who in turn place a part of the burden on the counties.

## PUBLIC HEALTH

Since 1875 the local public health authorities in Great Britain (i.e., borough, urban and rural district councils) have been obliged to carry out many duties, the general obligations having been laid upon them by a number of Acts of Parliament, culminating in the Public Health Act, 1936, while detailed action is governed by regulations issued by the Ministry of Health. Medical officers, engineers, sanitary inspectors and many other officials are the agents of the local authorities for carrying out this work. Its application to the public is effected mainly by by-laws issued by the local authorities subject to the approval of the Minister of Health, for the contravention of which a local authority can prosecute the offender.

County councils are not authorities under the Public Health Acts, although they have always been primarily responsible for certain matters, but they have certain powers of control over the district public health authorities, and the county medical officer of health must report annually to the Minister of Health on health matters within the county and for this purpose the borough and district medical officers must give him whatever information he needs.

The National Health Service Act, 1946, provides for a comprehensive health service in England and Wales and a further Bill to make similar provision for Scotland is to be introduced later. It is impossible to do more here than to indicate briefly the bearing which the provisions of this very far-reaching Act has upon the local government organization of the country. All hospitals, whether municipal or voluntary, are now vested in the Minister of Health, their administration being entrusted to Regional Hospital Boards (between sixteen and twenty for the whole country) appointed by the Minister. Local and domiciliary health services will be functions of the county and county borough councils, which are to be called "local health authorities", but, where the Minister considers it expedient, a joint board will be established for the areas of two or more local health authorities. Every local health authority must establish a health committee, to which all relevant matters will stand referred (as in the case of the education committee), at least a majority of the committee

being members of the local authority. The local health authorities must submit to the Minister proposals for carrying out their duties. They are to be consulted by the Minister in the appointment of Regional Boards, local Hospital Management Committees and Boards of Governors in the hospital and specialist services, and they will nominate one-third of the members of the Executive Councils for the general practitioner services. Each local health authority will receive an exchequer grant, which will not exceed three-quarters or be less than three-eighths of its expenditure.

In other European countries public health administration is as a rule far more a police matter. The local self-governing authorities have little to do with it, the executive being responsible to the police authority and eventually to the central government. A clear distinction is usually drawn between obligatory and non-obligatory functions.

To take France as an instance, there are in Paris a department of public health under the Minister and an advisory committee which passes resolutions on all questions of public sanitation and medical practice and expresses opinions on public sanitary works. In each of the French departments the prefect is responsible for the public health administration, being assisted by advisory committees. In each commune the mayor is in charge of the "sanitary police"—which does not mean merely a police force, but the whole sanitary administration. In towns with over 20,000 inhabitants and in health resorts there must be a *bureau d'hygiène*, appointed by, but independent of, the municipal council, the director being nominated by the mayor. This bureau is responsible, subject to the mayor, for carrying out the provisions of the public health law. The mayor issues regulations, but many are issued also by the central government. The prefect, who has wide powers, both direct and indirect, in relation to the public health of the whole department, is advised by a departmental council of hygiene, consisting of two members of and elected by the council-general, three physicians, one chemist, the chief engineer, an architect and a veterinary surgeon.

Public health administration is not so much centralized as this in all European countries. The Swiss communes have

much liberty of action and exercise it with good effect. In most countries hospitals are a municipal concern to a greater extent than they have ever been in Great Britain, where, until recently, hospital services have been mainly supplied by voluntary organizations and voluntary subscriptions.

In general, there is a growing tendency to organize hospitals and other such institutions under authorities for larger areas than the commune or the small city—as exemplified by the British Act of 1946. Another instance is the Dominion of New Zealand, which is divided into forty-two hospital districts, each under the control of a Hospital Board, whose members are elected triennially at the same time as the members of the contributory bodies (municipalities, county councils, etc.) by the electors of those bodies.

The sanitary services, so far as they do not come within the jurisdiction of the police authority, are everywhere matters for the local authority, including the provision and inspection of sewers, the construction of public conveniences and lavatories, the suppression of nuisances likely to be injurious to health, the collection and disposal of refuse, the inspection of food and drugs, the notification of infectious diseases, and the condemnation of unfit dwellings.

In the United States there has latterly been a steady increase in the number of state health authorities, in their powers and in particular in their control over the local bodies. The health departments of cities are administered very generally by small boards or committees, but the principle of a single responsible head is growing in favour. Many health boards must be composed of, or at least include in their membership, practising physicians. Federal grants in aid to the states for the establishment and maintenance of public health services were instituted under the Social Security Act, 1935.

## HOUSING

In most countries the concern of local authorities with housing is mainly in connection with the provision of the necessary capital for housing purposes—either out of their own resources or, more usually, out of moneys supplied to them by the State, sometimes by way of grant and sometimes as loans.



In Great Britain a statutory obligation was laid on local authorities to provide houses where needed for the "working classes"—a term which is now held to include certain middle-class types. After the 1914-18 war, a larger number of houses were constructed by local authorities in Great Britain than in any other country.

Holland is another country in which the local authorities have themselves built many houses and at one time the Italian communes were active in the matter. Municipal flats have been erected in Copenhagen, and the city of Budapest has provided hostels and other housing accommodation for the poor.

Note should be taken of the immense effort made by the municipality of Vienna under the socialist régime. In 1922 it was resolved to build 25,000 dwellings in five years and this figure was subsequently increased to 60,000. The great majority of these dwellings were in large tenement buildings with very complete communal domestic appliances and provision for children. In addition to these buildings, cottage housing schemes were assisted by the allocation of municipal building sites and funds to public utility societies. The cost of this municipal building policy was met mainly by a graduated tax on the rent of existing houses. There was therefore no debt and no interest payable. Consequently the dwellings were let at a very low figure.

## PUBLIC OPEN SPACES

In the matter of public open spaces the large towns in most countries have done much in recent years. In Germany, Switzerland, Latvia, Finland and some other countries, the ownership of large areas of land by the municipalities makes it comparatively easy for them to allocate portions of them for the benefit of the public. Many German towns have very beautiful and well laid out open spaces—the Tiergarten of Berlin (as it was before the war) and the Englischer Garten of Munich are well-known examples. Before the war Germany had made immense advance in municipal stadia, sports grounds and swimming pools, some of which were on an amazingly elaborate scale.

It is, however, doubtful whether in any of the German towns

provision has been made in the poorer districts for a specific area of open space according to the population. In Great Britain an ideal standard (seven to ten acres per 1,000 population) has been recognized and some cities have approached it. The French Town Planning Acts require that every estate developer shall reserve at least a quarter of his land for streets and open spaces without compensation. Cities in the U.S.S.R. have many parks and playgrounds, with amenities of all kinds.

Many American cities have fixed a proportion of any newly developed area to be reserved as public open space. So long ago as 1885, St. Paul, Minnesota, decided that no building plots of twenty acres or more should be approved unless at least one-twentieth of the area, exclusive of streets and alleys, were dedicated as public parks. Dayton (Ohio), Akron (Ohio) and Kenosha (Wisconsin) have all required at least 5 per cent of the net area of plots, exclusive of streets, to be so set aside.

Benefactions of land for open spaces and parks are very usual in the United States. The wide areas still available in the greater part of America make it much easier than in the older countries for municipalities to reserve land for public purposes, but, even where this is done by the acquisition of land beyond the boundaries of the city, this is not looked upon as making it less necessary to provide public open spaces within the city itself.

A striking instance of this is Denver (Colorado), a city, less than a hundred years old, situated on the plains within a few miles of the foothills of the Rocky Mountains. Although Denver owns 11,000 acres of mountain parks, it has also, within the boundaries of the city, forty-four parks covering an area of 1,557 acres and, in addition, sixty-four playgrounds, as well as many miles of boulevards well supplied with trees. Yet the Denver Planning Commission, expressing the opinion that, "for all their natural loveliness and their recreational possibilities", the mountain park lands "cannot possibly replace the city parks, which provide open air for crowded areas, recreational places in home districts and, in addition, contribute much to the beauty of the city", urged that at least the existing ratio of one acre for each 201 people should be maintained.

Mention might also be made of a Canadian instance—the beautiful municipal park of Vancouver, Stanley Park, covering 1,000 acres and occupying one of the loveliest situations imaginable, yet immediately accessible to the city. London (Ontario) has a watering place of its own in Port Stanley, on Lake Ontario, where the municipality possess a fine dance hall, bathing beach and all sorts of appurtenances, and a railway with frequent trains from the one place to the other. Nevertheless, the town itself, owing largely to its open spaces, has the aspect of a garden city.

### PLANNING

In town planning Great Britain stands on a different footing from any other country, since nowhere else have powers and duties to prepare town schemes been conferred and imposed on local authorities generally. In France it is compulsory on a large number of authorities, but the law does not seem to be enforced, and in any case it could not be so effective as the English law, since it does not contain the important safeguard against the exploitation of land while a scheme is in preparation.

A Dutch Housing Act of 1901 made town planning compulsory on all municipalities of over 10,000 population and on smaller ones which showed an increase of more than 20 per cent in five years, but, before the passing of that Act, the municipalities possessed full powers regarding “public order, morals and health” and these covered control over the development of the town, as the municipality might think fit, in the interests of the community.

Systematic town planning was recognized and practised in Sweden from 1874, and in 1907 an Act was passed which led to great and continued activity in town planning by the municipalities under the Royal Building Board.

A number of Canadian and Australian towns have prepared town planning schemes. New Zealand passed an Act in 1926, establishing a central Town Planning Board and making town planning compulsory for the whole of the area of every city and borough having a population of 1,000 and upwards.

The development of German towns has been carefully looked after by the respective burgomasters as a police measure,

it being necessary to obtain from the police authority a permit to erect any sort of building and to such a permit is usually attached strict conditions. Town planning in Germany is therefore, not a matter of local self-government.

Nevertheless, the German principle that a local authority may do anything for the benefit of the community which is not specifically forbidden to them, affects town planning in several ways, for it enables municipalities to buy land to any extent and for any purpose and also gives them the power of introducing new systems, such as the famous *Lex Adickes* for the rearrangement of ownerships of land within a certain area. This was a purely local institution of the city of Frankfurt, called after the name of its burgomaster, who invented it, but, by an Act of 1918, was made adoptive by any town or rural commune in Prussia, and similar legislation was subsequently enacted in every German state. It does not appear, though, that any great use has been made of it except in Frankfurt itself. The *Lex Adenauer*, of Cologne, which was an adaptation of the *Lex Adickes*, proved very successful in converting the sites of the ancient fortifications into green belts. The Prussian Agrarian Laws of 1872 and 1920 were largely used for the redistribution of agricultural holdings, but the local authorities were in no way concerned in the procedure.

In Japan, under a Town Planning Act of 1919, the municipalities to which the Act is to apply are selected by the Government and all schemes are prepared by the Home Office after consulting the local town planning committee, the mayors being responsible for carrying out the plan in their governmental capacity.

As was indicated in Chapter II, the idea of "regions" for town planning purposes has been taken up in several countries, but in no case does it follow that the local authorities are deprived of all town planning functions. It is merely required that the schemes which they prepare in detail shall conform with a regional, or sometimes a national scheme, laying down on broad lines what is considered necessary in the interests of the wider community. This does not altogether apply to the position in the Soviet Union. There, whereas every town is required to prepare a town plan, this must conform with the

general plan laid down in considerable detail by the State Planning Commission (Gosplan), including a definite limit of development in each case.

It is a curious fact that town planning was approached by the English and Americans from opposite directions. The first British Acts (1909 and 1919) provided for schemes only for such land as was not already developed, but was being developed or likely to be developed for building purposes. America, on the other hand, paid attention at first only to the built-up portions of cities and not at all to undeveloped land. Gradually, each country has recognized the importance of dealing both with land already covered by buildings and with land which may be developed in the future. Again, in Great Britain planning responsibility was placed directly on local authorities by Act of Parliament. In America it was in each city a group of far-seeing business men who, realizing the disadvantages of haphazard development, at their own expense prepared "zoning" schemes which they submitted to the local authorities for execution.

Planning is now, in the United States, a matter which transcends all local government powers and is directed to all sides of social development. Most of the states have given power to cities, and in some cases to counties, to prepare "zoning" schemes. The Federal Government has appointed commissioners with planning powers for regions which are marked out without regard to local government or even state boundaries, but this does not detract from the powers which states, cities or counties exercise locally.

Messrs. Hansen and Perloff (in *State and Local Finance in the National Economy*) say that in the United States "more and more of the new building developments in and around cities are on a neighbourhood basis, with a balance between homes, shops, schools, playgrounds, and other facilities. It is anticipated that in the replanning and rebuilding of cities, the neighbourhood concept will play a central role. Civic centres—combining education, library and recreation facilities and voting places—express the main civic and social forces of the neighbourhood. Local self-government can truly be revitalized if people in a neighbourhood get together to

discuss common problems and interests (such as safety measures for children, avoidance of unnecessary noises, neighbourhood recreation facilities, etc.) and also to study and discuss the problems of the metropolitan government of which the 'neighbourhood is a part'."

It may be added here that the idea of "neighbourhood units" has made its appearance also in the replanning of Birmingham and other British cities.

### PUBLIC ASSISTANCE

Until recently, public assistance was looked upon in most countries as a local responsibility, sometimes exercised by bodies appointed by the local authority or its head, including representatives of the local authority, but seldom by the local authority as such, sometimes largely left to religious organizations, as is still the case in a few countries of which Holland is one.

In Belgium each communal council appoints a *commission communale d'assistance publique*, half of whose income comes from communal subsidies and the bulk of the remainder from land or other property owned by the commissions. There is, however, a common fund established in each province, to which all its communes must contribute sums varying according to the population and revenue. There are a few State institutions, but most of the hospitals, asylums, and deaf, dumb and blind institutions are establishments of the religious orders, who are paid by the communal commissions at fixed rates.

A somewhat similar system of divided responsibility between the local authorities and religious bodies has existed in Italy and Spain. In Denmark the administration of poor relief is carried out by a committee of the local authority, in Norway and Sweden by boards appointed by the local authorities. The relief of the poor in Germany used to be organized through combinations of local authorities for the provinces and for smaller areas, the local administration being carried out by a committee of the communal council, which usually included co-opted persons. The Swiss communes, of various kinds, are directly concerned with the administration of public assistance, but it is looked upon as a delegated State function,

the cantons exercising a general oversight and assisting the communes, in some cases by subsidies, in others by the provision of institutions.

In France the prefect is responsible for the administration of certain obligatory services of public assistance, namely, those relating to (a) assisted children; (b) free medical benefit; (c) mentally afflicted; (d) obligatory assistance to the aged, infirm and incurable; (e) large families, and (f) maternity. The cost of these is imposed by law on the departments and communes, with the assistance of the State.

Within the communes are to be found (1) hospitals and hospices (i.e., institutions for the infirm, etc.); (2) *bureaux de bienfaisance* and (3) *bureaux d'assistance*. Every commune possesses a *bureau d'assistance*, but not necessarily a hospital, hospice or *bureau de bienfaisance*. The *bureau d'assistance*, however (except in a commune where there is no *bureau de bienfaisance*), is merely a local organ for carrying out the departmental services. It consists of the members of the hospital boards; if no such boards exist, the bureau will be formed by the prefect.

The boards of hospitals or hospices (*commissions administratives*) consist of the mayor and six members, of whom four are nominated for four years by the prefect and two elected by the municipal council for the term of office of the council itself. The boards of the *bureaux de bienfaisance* are similarly constituted. They have power to assist the aged and others who are not eligible for the obligatory assistance supplied by the department. They are encouraged to help by other means than the grant of relief, e.g., by finding work, housing, allotment gardens, etc.

The expenses of the bureaux are largely met by the *droit des pauvres*, which is practically an entertainment tax. The communes also grant subventions and certain services receive State or departmental grants. The hospitals and hospices may also receive a share of the *droit des pauvres*, but their funds are obtained mainly from endowments, taxes on grants of land in cemeteries, profits of municipal pawnshops, public collections and payments by or on behalf of patients.

The English Poor Law, from 1601, required the Poor Law

authorities to supply relief at their discretion to meet the needs of any case in which application was made to them by or on behalf of a destitute person. Substantial changes in the system were made from time to time including, (in 1834 and 1929) changes in the administrative bodies. The entire responsibility was removed from the local authorities and taken over by the State in 1948.

In the greater part of Canada the matter is one for each municipality, with assistance from the provinces, especially as regards large institutions, but, in the province of Quebec, public assistance is in the hands of the Roman Catholic French-Canadian Church. In Australia, New Zealand and South Africa, the local authorities have no Poor Law powers.

Poor relief was one of the earliest of the functions entrusted to the county in the United States. In most states it is under the direct control of the county board with little state aid or state supervision. The city has also, as a rule, certain powers for the relief of the poor within its area, but until comparatively recent times this power has not been extensively exercised by the municipality, the matter being largely left to the private activities of churches and other benevolent institutions. The Federal Government is now taking a more active part in the matter through various aspects of the "New Deal". In particular, the Social Security Act of 1935, revised in 1939, provides for Federal grants to the states (not, be it observed, direct to the local authorities) in aid of maternity and child welfare, provision for the blind, vocational rehabilitation of the physically disabled and old age pensions.

"Social insurance", as a means of warding off the evils of poverty, has been established in Great Britain and Germany, but not in the United States. New Zealand, in 1938, established a very comprehensive system of social insurance. In none of these countries, however, is this a local government function.

## UNEMPLOYMENT

Insurance is also the method adopted in Great Britain to deal with unemployment, and there the local authorities are now in no way directly concerned. The same may be said of Germany, and in other countries (e.g., Austria, Bulgaria,



Greece, Italy and Poland) State insurance against unemployment exists.

The local authorities are, however, indirectly concerned, in that it is widely recognized that it is for them to provide work for the unemployed. At the Sixth International Congress of Local Authorities at Berlin in 1936, much information was given on this subject. In the course of a General Report, Dr. Strölin said: "In Belgium, Denmark and Greece not much is done in this respect. The efforts of the local authorities in Bulgaria, Danzig and Luxembourg are of considerable importance, still more in the Netherlands, in Norway, Austria and Switzerland. In Finland almost all help given to the unemployed consists of work rather than benefits, and in Hungary this is, in fact, the only way of helping them. In Germany, France, Great Britain, Poland and the United States the measures to find work for the unemployed are of very great economic and political importance".

In the course of the debate, Mr. Brownlow (U.S.A.) said that in the United States the responsibility for public welfare had rested generally with the local authorities—the counties and cities. The state had little responsibility for unemployment relief and the Federal Government none. In 1930-1 the burden on the local authorities became greater than they could bear and the State of New York was the pioneer in granting financial assistance to the cities and counties. In 1932 the Federal Government found it necessary to step in and, for the first time in the history of the Union, federal funds were distributed to the several states for the relief of unemployment, the states being responsible for the allocation of the money to the local authorities. This form of assistance has since been further developed.

## TRADING UNDERTAKINGS

There are four kinds of services—the supply of water, gas and electricity and the provision of public transport—which have become known as "public utilities", although that term is equally applicable to almost any local government service. Whether municipalized or not, these services are necessarily

monopolistic and for this reason, more than for any other, they are very usually administered by local authorities.

As regards trading undertakings of all kinds, including these public utilities, the position in each country largely depends upon whether local authorities can do anything which is not forbidden to them or whether there must be statutory provision for every power exercised.

The German towns have always enjoyed a considerable amount of "economic freedom" and have been able very largely to establish municipal enterprises at their own discretion. After the war of 1914-18 there was a decided tendency to extend these municipal activities. Even during the Nazi régime the towns were permitted to carry on any enterprises which were already established, with the exception of a municipal bank, and such concerns as printing or book-binding works, nursery gardens, etc., might only be established municipally for municipal purposes, and under the *Deutsche Gemeindeordnung*, 1935, a commune might set up or substantially extend a trading undertaking if (1) the undertaking was justified by its public purpose; (2) the undertaking was within the capacity of the commune; (3) the purpose was not and could not be attained better and more economically by other means. The communes were indeed encouraged to conduct trading undertakings subject to the above conditions and it was laid down as a principle that such undertakings should show profits. It has to be remembered that here "commune" did not mean a freely elected self-governing local authority, but the burgomaster acting under the watchful eye of the Party agent.

The result is that one finds in many German towns municipal theatres, concert halls and restaurants, breweries, mills and baths of all kinds, gravel pits and quantities of agricultural and other estates, especially forests, the forest property of towns, circles and communes representing a large proportion of the whole forest domains of Germany. By 1910 water and gas supply in practically all German towns, and electricity in the large majority, had been municipalized and also, to a great extent, transport services. Certain large towns owned fast tramways, and the circle (county) and provincial authorities

were also interested in both tramways and motor omnibuses.

Austria, Holland, eastern Switzerland, Norway and Hungary are other countries in which there has been little restriction on the economic activities of local authorities. Vienna started municipal tramways as early as 1902 and more recently municipal motor omnibuses. In Holland (as well as in Germany), ports, depots and savings banks were largely municipalized and the communes have shown a certain activity in food production and agriculture. Budapest has a large number of municipal undertakings, (in 1929 no less than eighty-seven), including water, gas and electricity supply, tramways, markets, slaughter-houses, workshops, savings bank, a sumptuous hotel, hostels, baths, advertisements, hospitals and libraries. In Estonia chemists' establishments were municipalized in the majority of towns with excellent results. In Poland, in 1933-4, out of 637 towns, 572 possessed 1,361 undertakings, including water, electricity, gas and transport, but also factories of building materials, baths of various kinds, slaughter-houses, markets, chemists, pawnshops, cinemas, etc.

French decrees of 1926 enlarged the powers of municipal councils to undertake trading enterprises, but their exercise is still subject to the *Conseil d'Etat*. Moreover, there seems to be little inclination on the part of the communes to take advantage of these powers. In Belgium, too, it is only quite recently that the local authorities have been given the right to carry on economic undertakings, but these have latterly increased considerably and include municipal slaughter-houses, markets and public kitchens, cold storage of meat and fish, theatres, museums, orchestras and cinemas. It is, however, in the matter of insurance that the activities of the Belgian communes have been most remarkable. The supply of gas and electricity is usually conceded to private companies.

Municipal trading is common in the Scandinavian countries. In Norway, besides all other usual municipal concerns, almost all the cinemas are municipalized. In Finland electricity is municipalized in almost all towns, water in all towns having over 10,000 inhabitants, gas in only two towns and trams also in two, markets and slaughter-houses in about 50 per cent. Here

no State approval is required for establishing a municipal undertaking.

In the Soviet Union, after the October revolution, all municipal undertakings (water, drainage, electricity, baths, tramways, etc.) were nationalized, the management of them being delegated to the local authorities.

A public utility, according to the American courts, is a business affected with a public interest—a definition which is recognized as applying to those listed at the beginning of this section. Formerly, these services were regulated as a rule by the granting by a city to a company of a right to use the streets, this “franchise” being in effect a contract between the city and the company, the former granting the privilege of occupying the streets and the latter agreeing to furnish service of a specified standard at a fixed rate of charge.

This system is still to be found in many American cities, but municipalization is gradually making its way. According to the *Municipal Year Book*, 1937 (published by the International City Managers’ Association, Chicago), of 935 cities, over 10,000 population reporting on the ownership of utilities, 71 per cent reported owning waterworks, 28 per cent airports, 14 per cent electric light plants, and 12 per cent markets. All cities over 200,000 population reported owning one or more utilities, and only four cities from 100,000 to 200,000 reported no utilities owned by the city.

It will be observed from this that the municipalization of public utilities is not as yet common in American cities except as regards water supply. The number of municipal gas and transport concerns is still very small. Electric light and power have been more fully municipalized, especially in recent years, thanks to the stimulus of Federal loans. It seems probable that municipalization will now go rapidly ahead, with the encouragement and assistance of the state leagues of municipalities.

Various forms have been adopted for the organization of municipal trading undertakings, including the *régie* or direct management by the local authority and the communal society under private law. There is also the “concession” system (very similar to the American “franchise”) under which the

municipality usually requires from the concessionaire a proportion of the profits of the business. This system was formerly common in France, especially Paris, but more recently has not been favoured. It is still to be found in several other countries.

The "mixed" undertaking is a particular form of municipal trading, which is to be found in many continental countries, especially Belgium, Holland, Germany and Austria. It is permissible, but little encouraged, in France and Italy. It is fairly frequent in Switzerland, but does not seem to be considered there a success.

The mixed undertaking is one which is primarily a private company, but in which a municipality holds shares. It is usually required that the municipality shall hold a majority of the shares (though, in France, on the contrary, it may not hold more than 40 per cent) and always that the municipality shall be represented (sometimes by a majority) on the board. In most countries in which this practice is permitted, the local authorities are bound by strict regulations, but in Greece and Poland they were quite free.

The mixed undertakings are most usually to be found in relation to transport, but it is probable that greater importance attaches to those connected with the supply of water, gas and electricity.

In 1914, seventy-five German towns participated in ninety-one mixed undertakings, while in 1928 Vienna held shares in sixty-six. Bucharest and other Rumanian towns participated up to 50 per cent of the capital in mixed undertakings for lighting, transport, cheap housing, etc. In Helsinki the local authority holds 95 per cent of the shares in the tramway company.

Of a similar nature are the large national organizations which are a special feature of municipal enterprise in Belgium. These are essentially co-operative societies, in which the State, the provinces, the communes and private individuals take part. They are concerned with all sorts of subjects of general interest, but do not directly carry them out.

The subject of "mixed undertakings" is very fully dealt with in the Reports of the Antwerp Conference of the International Union of Local Authorities in July, 1930.

Under the British system, as already mentioned, no power

can be exercised by a local authority unless specifically conferred by Parliament. If, therefore, a local council wishes to establish an enterprise for which there is no authority in a Public Act, it must promote a Private Bill, which has to go through all the parliamentary procedure of any other Bill. This course is open to any local authority except a parish council, but, as it is a very expensive proceeding, it is seldom resorted to except by the larger cities, some of which promote a Private Bill every year and have very greatly extended their powers, including those of municipal trading, which now occupies a large sphere.

As regards the services known as public utilities, in 1935 more than 80 per cent of the population of England and Wales was supplied with water by the local authorities; out of a total of 656 authorized gas undertakings, 247 were, in 1933, in municipal ownership; about two-thirds of the entire electric supply industry was in municipal ownership, though the generation of electricity had been centralized; the tramway systems have been municipalized in all the great cities, the share of the tramway undertakings of the country under municipal control and ownership amounting (in 1925) to four-fifths of the whole, while in recent years local authorities have started business as owners and operators of motor-bus services on a large scale. (Dr. W. A. Robson in *A Century of Municipal Progress*.) Municipal markets are very usual in the towns, mostly under ancient charters.

Apart from public utilities and markets, there are in Great Britain instances of municipal docks, ferries, golf links, race-courses, Turkish and medicinal baths, crematoria, bands and orchestras and a variety of other undertakings. It is true that in Great Britain there are not to be found, as for instance in Germany, any municipal theatres (with the modest exception of Cheltenham), while other "cultural" institutions (except museums and art galleries) are few, but this appears to have been due to a disinclination on the part of the local authorities to promote them, rather than to any refusal by Parliament to grant the powers. The Local Government Act, 1948, has greatly enlarged the powers of local authorities to provide entertainments (including theatres) and allows an expenditure for the

purpose not exceeding in any year the product of a sixpenny rate.

### LIBRARIES

There is, however, one "cultural" service (not a trading undertaking) which has been largely developed in Great Britain by the local authorities, namely, the provision of public libraries. The legal position is that the Public Libraries Act may be adopted by any county, borough or district council, and for any rural parish by the parish meeting, subject to a poll. An Act of 1919 removed the previously existing limit of a penny rate and brought in the county council as a library authority. It is mainly to this Act that the recent extension of libraries throughout the country districts is due.

The urban populations were already well served. The urban authorities were greatly assisted by the Carnegie United Kingdom Trust, which has made grants towards buildings, and for the purchase of books, binding, etc., amounting in a single year (1933) to £75,667. That the cities have themselves played their part is shown by the fact that, for instance, the library service of Manchester costs the ratepayers approximately £108,000 per annum.

In view of the rural need, the Carnegie Trust offered the county councils grants to cover the first five years' costs, on condition that the councils undertook to carry on afterwards and administer the library out of a county rate. According to Mr. Stanley Jast (in *A Century of Municipal Progress*) "within a decade and a half every county in England, except three small ones, had its libraries, and some 18,000,000 more people had been brought into touch with the civilizing influence of books". This library organization is greatly assisted by the establishment of the National Central Library, which acts as a clearing-house for books, and by the regional schemes, of which there are now five, covering thirty-two counties.

As regards other countries, Germany was said in 1936 to possess over 16,250 public libraries maintained by the local authorities, but it is to be noted that in most cases a charge was made for the loan of books, which is not the case in Great Britain. Most of the French public libraries lend their books

free of charge, but the number of them is comparatively small—eighty-five in Paris and eighty-one in the suburbs, but only 201 in the provincial cities. In 1934 Belgium had in all 2,505 public libraries, maintained by the State, the local authorities, and private support. In the same year there were eighty-two public libraries in Holland, about seventy-five in Greece, 860 in Denmark, about 3,400 in Hungary, in addition to over 1,200 new agrarian libraries. The Hungarian libraries are as a rule accommodated in schools or other public buildings.

In the United States, cities are usually very proud of their libraries and much use is made of them. Nevertheless, in 1935 there were some 233 cities with a population of 5,000 and over, which either had no library provision at all or had to rely on neighbouring cities. We are told by the *Municipal Year Book* that county or regional library service (on a regularly established basis) was in 1938 available in 340 counties, as compared with 275 in the previous year. This does not seem very much out of over 3,000 counties and it must be remembered that, such as it is, it is not a local government service, since county local government is practically non-existent, but is mainly due to state aid. The Tennessee Valley Authority has greatly stimulated the provision of libraries by local agencies.

#### ADMINISTRATION OF JUSTICE

In few countries is the administration of justice (other than the branch concerned with administrative law, which is touched upon in the first chapter) a function of local authorities. In Switzerland, however, the communes have a certain power of jurisdiction, both civil and criminal, in minor matters.

Another instance of the kind is to be found in the revived Indian *panchayats* (village councils). Under the Bombay Village Panchayats Act (and similarly in other provinces) in any village where a panchayat is established, a village bench is set up, consisting of five or seven members appointed by the Collector, of whom three or five must be members of the panchayat. This bench is empowered to try certain civil cases where the amount or value of the claim does not exceed twenty-five rupees, or 100 rupees by consent of the parties, and also



many minor criminal offences, but can inflict only fines up to twenty rupees and no sentence of imprisonment. In view of the great tendency to litigation among Indians, the institution of these cheap local courts is very highly appreciated and their work has generally proved most successful. In Madras Presidency, in 1930, the panchayat courts disposed of 173,382 suits out of 209,999 on their files; in the Central Provinces 801 village panchayat courts disposed of 4,492 criminal cases and 9,227 civil suits in 1931-32.

### OTHER FUNCTIONS

It has, of course, been impossible in this chapter to mention all the multifarious activities of local authorities throughout the world. Many of those not specifically mentioned come under the heads of Police, Public Health, Education or Trading Undertakings, but there are others which do not.

The widest range of local government activities is to be found in the Soviet Union. The titles of committees in Chapter III give some indication of this. In 1943 M. Kalinin, President of the Soviet Union, said (*The Soviet President Speaks*): "The local organs of Soviet Power bear a great responsibility for the successful working of industry, municipal services, transport, agriculture, military mobilization, supply services, hospitals for the wounded, care for servicemen's families and war invalids. The district is the most important link. It is to the district, as Stalin says, that the threads run from the collective farms and from all other economic institutions. . . . I want to stress the importance of the local industries. They are of no small significance to our entire economy. As well as catering directly for defence production they supply semi-manufactured goods for the major enterprises. The soviets are responsible for seeing that the local industries fulfil production plans; this fulfilment depends on the provision of good living conditions, public services, transport. All these factors have a direct influence on the productivity of labour". This speech of M. Kalinin's was made during the war and related primarily to war conditions. Nevertheless, it gives some idea of the scope of activity of the local soviets at any time. More detailed particulars, especially of the agricultural activities of the village soviets, are given

by Mr. Bertram W. Maxwell in *Local Government in Europe*.

The provision of small holdings and allotments by British local authorities does not come under any of the headings of this chapter. This provision is effected by the acquisition (sometimes compulsory) of land by the local authorities which they then let (as small holdings by the county councils, as allotments by the parish councils in England and Wales and by the district councils in Scotland) for purposes of cultivation. In Great Britain local authorities are also concerned with the licensing of entertainments (theatres, cinemas, race-courses—in other countries often a police matter), the protection of wild birds and a miscellany of other matters.

The provision of funerals, which is a municipal function in many European countries, is, perhaps, a trading undertaking. Not so the care and maintenance of cemeteries, which can seldom, if ever, pay for itself. This is usually a municipal responsibility in Switzerland and some other countries and is undertaken by many borough councils in Great Britain.

The *état civil* is a French term (and, perhaps, originally a French conception) for the registration of the population by the local authorities. Those bodies are responsible for the registration of births, deaths and marriages in Great Britain and in most other countries, but here again it is sometimes a police measure.

The smaller local authorities are often able to exercise one faculty of great importance, that of representing the views of the people of the locality on the actions or inaction of the larger authorities. This is specially noticeable in Great Britain. The parish meetings and parish councils have only limited executive powers and duties, but it is always open to them to express their views on measures affecting them which are proposed by the council of the rural district or county of which their parish forms part, or to complain that one or other of these bodies is negligent in not acting as they should in the interests of the locality. Such complaints may be made to the Minister of Health or, in some cases, where the rural district council is held to be in fault, to the county council.

Apart from the actual powers and duties of local authorities, the mere existence of a representative body for a small area

makes it possible for the members of such a body, as a group of persons, to carry out themselves, or to organize members of the public to carry out, pieces of work of value to the community which, for one reason or another, the local authority, as such, is unable to undertake. Thus, in British India, the poverty in most of the villages is such that the panchayats could do little which required financing from the local revenue. They could, however, and did to a large extent, organize the keeping of their water-courses clean and other activities, including even the building of schools, by the unpaid labour of the inhabitants. In England and Wales parish councils and parish meetings have in some cases been able, usually with the help of boy scouts or girl guides, to clear litter from public places and to do other small matters which affect the amenities of the villages. Something of the same principle is to be found in the "junior traffic police" organization, established in Berkeley (California) and other American cities, under which schoolboys are appointed by the municipality to stop vehicles when children are crossing the street to or from school. Some British cities have made experiments on these lines.

## CHAPTER VI

### FINANCE

#### RESOURCES

THE main point of interest in connection with local government finance is the question of the sources from which local authorities can obtain the moneys needed to defray their expenditure. As regards the expenditure, the principle of "cutting one's coat according to the cloth" applies to but a small extent in local government. Most of the expenditure is unavoidable; much of it is obligatory. Its purposes are to be found in the chapter on "functions".

It seems to be often supposed that "rates" or local taxation are the primary consideration in regard to the revenue of a local authority. This is not so. Even where local taxation provides the greater part of the revenue, it is still not the primary consideration. It is in fact, the last resort, after all other sources have been exhausted, by which the deficit is to be covered. Therefore the first consideration in preparing the budget or estimates of a local authority for the next financial year is to ascertain the amount which is available from other sources, before reckoning how much local taxation is necessary in order to cover the residue.

It is true that cases are known where government grants are not forthcoming until it can be proved that all other possible sources (including local taxation) have been drawn upon to the greatest possible extent, but even in such cases local taxation will not be imposed beyond the amount which is clearly necessary after taking credit for what is, or may be, available from other sources. "Other sources", then, are in actual practice the first consideration.

#### GRANTS-IN-AID

In no other country is so large a proportion of the local expenditure paid for by grants from the central government as in Great Britain—though it must be remembered that this

is partly because British local authorities bear the burden of some services which in other countries is wholly borne by the State.

In England and Wales the proportion of grants-in-aid to the total expenditure of local authorities is at present nearly 53 per cent. Until 1929 most of the government grants were given on the percentage principle, i.e., so much per cent on the amount spent by a local authority on each particular service, it being supposed that this would encourage local activity. It was found, however, that it resulted in the richer districts getting the larger grants, while very poor districts, which could not afford any expenditure on certain services, got no grant at all. Consequently, in 1929, many of these percentage grants were abolished and their place taken by a "block grant" to be used for any of the purposes of the authority, the amount in each case being calculated on a formula of which the main factors were population, rateable value, number of children, number of unemployed, and, in rural areas, mileage of main roads.

The Local Government Act, 1948, made considerable changes in the system of grants. In place of the "block grant" a new "Exchequer equalization grant" will be paid to those authorities in whose areas the average rateable value per head of the population, weighted to allow for children of school age and for sparsity of population, falls below the average for the whole country. The Secretary of State may reduce this grant if he is satisfied that a council has failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of their functions, or that the expenditure of a council has been excessive and unreasonable.

The grants for police and education and one or two other matters are still made on the percentage basis. The police grant is 50 per cent of the local authority's expenditure on this service, subject to the Home Secretary being satisfied that the service is efficient. The education grants vary from about 30 to 65 per cent, according to local needs and local means. In regard to roads and bridges, the government makes grants to local authorities on a percentage basis (from 20 to 75 per cent) towards the expense of building new routes, improving

old ones, maintenance and repair. For housing, the method of providing financial assistance to local authorities has varied from time to time, different Acts providing for loans on easy terms, percentage grants and subsidies of various kinds.

In the report by MM. Wibaut and Sellier to the International Congress of Local Authorities, 1929, the percentage of grants-in-aid to the total revenue of local authorities for the year 1924-5 was said to be 27 in Belgium, 23 in Holland, 19.4 in Estonia, 11 in Germany, 9 in France, 6 in U.S.A., and 4 in Luxemburg. In Sweden, State subsidies represented (in 1929) about 8 per cent of the municipal revenue.

In Germany the main part of the public assistance costs and other welfare services was taken over by the State. In France and Germany and some other countries a large proportion of the road expenses is met by the State. A French law of November, 1936, provided for an exceptional grant for the financial year 1937 of 110,000,000 francs for the departmental and communal highways, and also an increase for 1937 of 350,000,000 francs in the share of the State towards the general expenses of public assistance and a grant of 200,000,000 francs to the city of Paris and the Department of the Seine.

The German practice has been greatly changed from time to time, but has always been based on the principle of a central grant (usually a proportion of the yield from specific taxes) to the states, which, after retaining what they needed, passed on the residue to the provinces, who did the same to the *Kreise* or counties (including the *Stadtkreise* or county boroughs) and the *Kreise* similarly to the communes, for which there was as a rule little left.

The Danish Exchequer, besides other grants for education, pays one-fifth of teachers' salaries and half their pensions. Grants for roads (out of the petrol and car-purchase taxes) amount to about four-fifths of the expenditure. A Bill was introduced in 1937 to relieve the communes of the cost of social assistance, police and education, to the amount of about 74,000,000 crowns, to be defrayed from a fund raised by a uniform assessment on all the inhabitants of the country in regard to income, capital and property tax. The object was to bring about some equalization of rating. In Hungary, during

the fifty years before the last war, the State took over police, tramways, medical and veterinary services, and gave grants for schools, hospitals, museums, theatres and recreation grounds.

According to Stadtammann Löhner (*Die Gemeindeautonomie*) cantonal subsidies to the Swiss communes are to be found fairly generally—and sometimes on a large scale—for the following purposes: public assistance, education, agriculture and forestry, water supply, road construction and maintenance, public health, unemployment, fire prevention.

Until recently, the extent of state or federal financial aid to the local authorities in the United States has been very limited. It has increased greatly under the "New Deal", though Messrs. Hansen and Perloff say (in *State and Local Finance in the National Economy*): "At the present time we do not have what can be called a national grant-in-aid system. What we have is a series of unco-ordinated individual grants". There is very great dissatisfaction (voiced especially by the United States Conference of Mayors) among the cities at their financial treatment by the states, but a few states have recently introduced the practice of paying back to the municipalities a proportion of the monies contributed by their inhabitants to the state in taxation. Michigan has voted to return one-sixth of all sales taxes collected by the state to the school districts and another sixth to the cities, townships and villages.

#### COMMUNAL FUNDS AND ASSIGNED REVENUES

In several countries there are "communal funds", fed as a rule from the yield of certain national taxes and therefore corresponding to what is known in English as "assigned revenues".

*Les Fonds Communs* of France were established at different dates and distributed on different principles. Thus, an Act of 1918, which abolished the octroi on alcoholic liquors, provided for an increased tax on such liquors to be paid into a common fund, which was so distributed as to reimburse those towns which had lost by the abolition of the octroi. By an Act of 1920 a proportion of the national tax on business

turnover is paid into a fund, which is distributed to communes on the basis of their population and to departments according to the population and rateable value.

The Belgian *Fonds des Communes*, which was established on the abolition of municipal octrois, was composed, under the Finance Act 1931, of (a) an annual contribution from the general funds of the Central Exchequer, and (b) portions of the produce of the national taxes on income from investments, salaries and pensions, land and race-courses. Subsequently, these sources were changed, to the detriment of the fund. The fund was distributed among the communes on the basis of (a) value of built-on land, (b) value of unbuilt-on land and (c) population. In 1931 assigned revenues were reduced and greater freedom was given as regards additional centimes.

In 1929 the Dutch Government abolished the local income tax, which had previously been the main financial resource of the local authorities, and established a *Gemeentefonds*, fed by (a) a national income tax called *Gemeentefondsbelasting* (communal fund tax) and (b) an additional 50 per cent on the State capital tax. The distribution to the municipalities was based on a formula, of which the elements were population, financial capacity, and expenditure on police, education and poor relief. This was to be revised for each municipality every five years.

A Rumanian communal and district fund was established by an Act of 1926. It was fed by a proportion of the produce of the State tax on wines, brandies, sugar, glucose and sundry other articles. Of this fund 5 per cent was placed to reserve. Of the remainder, 50 per cent was granted to the communes, 41 per cent to the districts (of which a quarter must be applied to roads) and 9 per cent to the professional chambers.

Without any mention of a "Fund" the revenue of the Austrian local authorities was, by *Ausgleich* of January, 1931 (to hold good for five years), based on proportions of a number of national taxes, the distribution being mainly on the basis of population with other factors of a complicated nature.

In Czechoslovakia the national and provincial capitals and also communes which had, in the previous financial year, levied more than 150 additional centimes, might receive the



total produce, in the commune, of the tax on built-on land during the current year. There was also a special fund, fed from assigned revenues and other sources, distributed in grants to necessitous communes and districts.

In Poland a proportion of the State income tax, and in Hungary the whole of it, was assigned to the local authorities. The produce of the Swiss federal tax on alcohol is, in part, assigned to the cantons and some of the cantons pass it on to the communes. There is, however, a special provision that any monies received from this source must be used in combating the evils of alcohol—which includes the maintenance of lunatics and the support of well-managed vineyards.

### TRADING PROFITS

The extent to which trading undertakings may be and are carried on by the local authorities has been dealt with in the last chapter. Whether or not municipal trading undertakings are to be looked upon as one of the financial resources of the local authorities depends upon the law and practice regarding the application of the profits of such undertakings to what would be called in Great Britain "relief of rates". In many countries profits on municipal gas or electricity undertakings are credited to the general communal fund, and this is sometimes the case, though less frequently, with water.

According to a return by the *Deutscher Städtetag*, the net earnings of German municipal enterprises in 1913 amounted to 13.2 per cent of the total cost of local administration, and in 1924 to 14.3 per cent. Some towns covered as much as 25 per cent of their expenditure from this source. Under the Weimar Republic municipalities were encouraged to make as much as they could by this means and from 1919-26 there was a considerable expansion in the trading activities of local authorities. After 1926 this policy was, for various reasons, reversed. The position under the *Deutsche Gemeindeordnung*, 1935, has been explained in Chapter V and it is to be noted that it was expressly laid down that any such enterprise must yield a profit to the communal fund.

Belgian towns realize appreciable profits from concessions

to private companies of the supply of gas and electricity, as well as from water supply, and other municipal undertakings. In Holland municipal undertakings have latterly been playing a steadily increasing part in local finance. Thus, in 1927, in the three largest cities, the percentage of profits on the four principal municipal undertakings (gas, electricity, water, telephone) to the total revenue from local taxation was: Amsterdam, 28.5 per cent; Rotterdam, 55.8 per cent; the Hague, 32.1 per cent. In Sweden profits from gas, water and electricity undertakings, ports, etc., in 1929 represented about 35 per cent of the municipal revenue.

The annual profits on the municipal enterprises of Vienna, between 1906 and 1910, increased from 9,000,000 to 15,000,000 Kr., representing 7 to 8 per cent of the ordinary receipts of the city. Under the socialist administration the city council completely abandoned the idea of using their monopolies as a source of indirect taxation, regarding the undertakings entirely in the light of public services, charges levied being only enough to cover the cost of production and upkeep. Profit was regarded as permissible only from services which could not be considered of primary importance in the life of the people.

Municipal undertakings in Hungary contribute little towards general rate funds, as they are expected to do no more than avoid a deficit. In Poland the profits from municipal undertakings in 1933-4 amounted to 68.7 zlotys (out of a total revenue of 399.7 millions) in the towns and a very small percentage in the rural communes. In Estonia the average profit from trading concerns for all towns in the year 1935-6 was 11.8 per cent of the total municipal revenue, many towns realizing up to 20 per cent. In Latvia, in 1934, such profits represented 28.3 per cent. The Portuguese communes almost always seek to realize profits on their undertakings. The financial results are generally satisfactory, but this form of indirect taxation is largely resented.

Profits from municipal undertakings constitute an important part of the revenue of Swiss communes, but more so in the German communes than in the French. Waterworks are usually run at cost, but gas and electricity concerns are financially

important. Traffic undertakings seem to have been frequently run at a loss.

In the United States it is only natural that, where the initial objection to municipal trading in principle has been got over, a municipal enterprise should be treated as any other business concern and profits should be credited to the municipality. Milwaukee is a city in which municipal trading is carried on widely and successfully. Mayor Hoan of that city says (*City Government*): "Of course a large share of city taxes could be met by public ownership of all public utilities. The average worker who owns a home pays more for light, gas and the telephone service in a year than he does for taxes. If the city owned these utilities, the tax bill could be cut all the way from 33½ to 100 per cent" and he claims that Milwaukee gives more public service for the dollar than any other city in the country and is doing so at a tax rate far below the average of American cities.

On the other hand, in the latest publications on municipal government in the United States—the Reports of the Urbanism Committee to the National Resources Committee—it is stated that "some sixty so-called 'taxless cities' are now reported which engage in the unusual practice of supporting their public services chiefly from the earnings of municipally owned utilities. Utility towns of this type are not restricted to the maverick municipalities. Conservative communities like Winnetka, Chicago's north shore suburb, own and operate the local electric light system to the satisfaction of their well-to-do taxpayers. Wisconsin's 'Paradise City', Oconomowoc, not only owns its electrical utility system, but sells electric appliances of all sorts. These are living illustrations of the fact that in urban and suburban America, municipal ownership is not so much a matter of social theory and class conflict as it is a matter of local need and expedience".

An American writer, Mr. Louis Bartlett, stated in the *Nation* for 17th May, 1933, that there were eighty-four cities in the United States which "levy no taxes, yet perform all the functions of ordinary cities and keep out of debt", but it is noticeable that of these eighty-four cities, fifty-five were in the one state of Oklahoma and seven in Kansas, leaving only twenty-

two for the rest of the states. All Oklahoma cities but two are under 30,000 population, so that even on this statement it does not appear that many cities of large size have found that profits on municipal trading concerns are a solution of their financial difficulties.

According to Mr. John Maud (*City Government. The Johannesburg Experiment*) during the present century Johannesburg has relied on revenue from her trading departments and on charges for sanitary and other services to an extent which finds no parallel in the municipal practice of any other part of the world. During the year ended 30th June, 1946, Johannesburg's six trading departments contributed a surplus of £277,190 to the relief of rates.

The British attitude in this matter is somewhat curious, for whereas it is generally held that municipal undertakings should not be run at a profit, there is no law to that effect and a number of towns do apply substantial amounts from profits on tramways, gas or electricity undertakings to "relief of rates". Thus, for the year 1937-8, the following transfers from municipal undertakings to the general fund were recorded by Mr. Allison Davies, the figures in brackets showing the amount in the pound by which the rate was thereby decreased:

Birmingham	£ 38,444 (1½d.)	Liverpool	£ 181,991 (7½d.)
Bristol	35,577 (2¾d.)	Manchester	22,500 (¾d.)
Hull	19,685 (3d.)	West Ham	23,800 (4d.)
Leeds	168,120 (12¼d.)		

In some cases the matter has been settled by legislation. Thus, as regards electricity supply, the contribution to rates in any one year is limited to 1½ per cent of the undertaking's outstanding capital debt. In their Fifteenth Annual Report (1931-2) the Ministry of Health stated that it is the normal and proper practice of local authorities to fix their trading charges at such a level as will be at least sufficient to avoid a deficiency on the working of their undertakings; but taking the country as a whole, it is even necessary to find a small sum out of the rates to meet trading deficiencies, although there are still a number of local authorities which make a profit on their undertakings.

## RETURNS FROM MUNICIPAL PROPERTY

It may seem difficult to differentiate between this and "municipal trading", but here ownership of property (usually land) is the prime factor, any profits arising from such ownership being incidental.

A return obtained by the *Deutscher Städtetag* in 1925 showed that, for a total of 204 German towns, the average proportion of land within the municipal boundary owned by the municipality (exclusive of streets) to the total area was 23.7 per cent. A number of these towns owned, in addition, considerable areas of land outside their boundaries. Revenue was obtained from these lands in various ways—by leases, by profits from agriculture and, above all, by the exploitation of forests. In 1938 it was stated in a German publication that about 20,000 German communes were owners of forests and more than half of these realized annual profits from them.

According to the Report drawn up by MM. Wibaut and Sellier in 1929, the proportion of the returns from communal property to the total communal revenue is generally small. Only in Estonia did it amount to 8 per cent, in Germany it was 4.5 per cent, in Belgium and Holland 3 per cent and in Luxemburg 2 per cent. The Report does not mention Switzerland, in which country the ownership of property, especially forests, is in many communes a fruitful source of revenue and often results in a complete, or nearly complete, absence of local taxation. Also in Finland the towns are great land owners. It has always been a recognized principle that they own all the land within their boundaries and they have purchased much outside.

It is in the Soviet Union that returns from municipal property bulk largest among the financial resources of local authorities. This is due to the very extensive municipalization of land and buildings. It has been stated that by 1929 the total value of municipalized property amounted to 8,660,000,000 roubles, constituting 60 per cent of the value of all city property in the Soviet Union. Consequently, municipal sources of revenue include rents from land, dwellings, markets and other establishments, earnings from city lands, parks and similar property, rents for trading space on public squares, streets,

promenades, beaches, etc., and the sale of superfluous city property.

### FEES AND CHARGES

Fees charged for such matters as the issue of licences and similar receipts form a part of the revenue of local authorities, but do not usually constitute a large proportion. In Germany, however, they formed a substantial amount, including, as they did, school fees, registration fees, charges for refuse and sewage disposal and for the making up of streets. Similar charges are to be found in other countries. Thus, Rumania reported in 1928 that the average total revenue of a commune included 3.16 per cent from fees for the removal of household refuse and 1.02 per cent for street scavenging (reckoned per metre of frontage). Reference may also be made to what has already been said about Johannesburg. It was reported by the U.S. Conference of Mayors in June, 1946, that 1,072 cities over 10,000 in population impose sewer rental charges. Turkish municipalities depend largely on this source of revenue. They are completely free to fix the charges for such services as water, gas and electricity supply, transport, beaches, slaughter-houses and rents of municipal property.

### LOCAL TAXATION

The expenditure of a local authority, over and above the amount of revenue from grants-in-aid, trading undertakings and such sources as rents and fees, has to be met by local taxation. Under the German system, in recent years, charges and fees for specific municipal services must bring in their full quota before a commune may levy any tax.

The main systems of local taxation might be classified as follows, provided it is borne in mind that most countries have a mixture of types:

- (1) *Centralized Systems* in which local taxes are assessed, levied and collected by the central government and the produce returned to the local authorities in a variety of ways.
- (2) *Semi-centralized Systems* in which local taxes, though assessed and collected by the central government, are levied locally and the produce returned to each local authority according to the yield in its area.

- (3) *Non-centralized Systems* in which the sources of national and local revenue are distinct and where the local authorities assess, levy and collect their own taxes.

### ADDITIONAL CENTIMES

In most European countries, other than the Scandinavian, the main source of local revenue is to be found in the "additional centimes"—i.e., in percentages added at the instance of each local authority to one or other of the national taxes. These percentages are collected by the central government with the national tax in question and the product paid over to the local authority which has made the "addition". The system bears some resemblance to that of "assigned revenues", but, seeing that the monies paid over to each local authority are the produce of a tax levied, at the request of that local authority, on persons or property situated in the area over which it has jurisdiction, the imposition would seem to be in reality a local tax.

In every country in which this system exists, there are strict conditions as to (a) the national taxes to which local percentages may be added; (b) the maximum of local percentages which may be added in each case; (c) the principles upon which graduation is permitted, if at all. These conditions are usually laid down by legislation, but in some cases the major local authorities (or the local representative of the central government, such as the prefect in France) can give minor local authorities permission to exceed the legal maxima.

In order to show the extent to which the local authorities in European countries depend upon this source of revenue, it may be mentioned that, in 1929, the proportion of total revenue so obtained was in Austria 77.5 per cent, in Belgium 38, in France 47, in Germany 59, in Luxemburg 71. In Latvia five taxes might be so treated, in France three (which are in fact "fictitious" as national taxes, but are kept nominally in being as a basis for the additional centimes). The taxes to which it is permissible to add percentages for local purposes include, in the different countries, taxes on land, buildings, capital, professions, industry, commerce, but seldom the general income tax.

In the Soviet Union local authorities may levy surtaxes on

State business and trade taxes, on State income-tax and on the State tax on agricultural lands within a city. In view of the large source represented by returns from municipal property, together with special grants from State funds, it does not seem likely that the total of such surtaxes is at all considerable, but no statistics are available.

### LOCAL INCOME-TAX

Where it is permissible to add centimes for local purposes to a national income-tax, it may be said that there, for all practical purposes, a local income-tax is leviable at the discretion of each local authority, subject to legal restrictions.

In some countries it is open to local authorities to levy a local income-tax quite irrespective of any national tax. This is especially the case in the Scandinavian countries and in Finland.

In Denmark local income-tax is levied on every person who has resided in the commune for three months. It is assessed on the total income in each case, but, in order to adjust the tax to the circumstances of each taxpayer, the commune may increase his assessment 40 per cent above or reduce it 70 per cent below his actual estimated income. In the smaller (parish) communes it is also permissible to differentiate between earned and unearned income. Persons who do not reside in the commune, but carry on business within it, are taxable on the amount actually earned there. This tax is at a rather less percentage than the residential tax and may be adjusted according to the tax paid in the commune of residence, which must refund to the taxpayer such amount as he pays to the commune of employment.

The local income-tax is the main source of communal revenue in Sweden. It is levied in proportion to assessed income and an additional graduated tax may be levied on any amount exceeding 3,000 kronen which is subject to income and property tax. The average rate is  $7\frac{1}{2}$  kronen per 100 of taxable income. Out of the produce of this tax, 75 per cent may be retained by the commune. As much as may be necessary of the remainder goes to the Crown for relief to rural communes having specially high rates.



In Norway the local income-tax is primarily restricted to 12 per cent, but up to 15 per cent may be levied, provided that the total levy on incomes does not exceed that of the previous year. Further dispensations from the restriction may be granted by the Department of Finance. Companies and other concerns are generally taxable in the district where the head office or management is situated, but income derived from real estate or plant, and from trade connected therewith, is liable to taxation in the district where the estate or plant is situated. In 1937 the local income tax constituted 78 per cent of the whole taxation in the towns and 82 per cent in the rural districts.

Local income-tax could be levied also in Estonia, some of the Swiss cantons and some of the Canadian provinces. Up to 1930 it was the main source of revenue for the Dutch communes and, before 1919, it was open to communes in some parts of Germany. Formerly, the Spanish municipalities with less than 100,000 inhabitants levied a tax on every resident, based on his financial circumstances, which was estimated on an elaborate and comprehensive system. It cannot be stated whether or not this is now the case. Some American cities (St. Louis, Philadelphia and Toledo among the number) impose a local income-tax. In the case of St. Louis, the city ordinance of July, 1946, provided for a levy of one-quarter of 1 per cent on the gross earnings of individuals and the net profits of businesses. The tax applies to the salaries of residents, wherever earned, and to that portion of the salaries of non-residents and profits of business earned in the city.

#### LOCAL TAX ON LAND AND BUILDINGS

Except in the Scandinavian countries, the land is looked upon as the primary, one might say the natural, subject for local taxation. There are, however, many varieties in the basis of assessment for such a tax—sometimes it is on the annual, sometimes the capital, value; sometimes buildings are included in the assessment, sometimes they are separately assessed, sometimes they are altogether excluded; sometimes the tax is, or may be, graduated or there may be exemptions, especially in the interests of agriculture.

In Great Britain the "rate" (i.e. a local tax on the annual value of land and buildings, levied, with certain exceptions, on the occupier) is the one and only form of local tax permitted. The amount is fixed by the local authority in each case and there is no limit on the amount of rate which a local authority, other than a parish, may levy. By the Local Government Act, 1929, agricultural land and agricultural buildings were entirely exempted from rates. By the Local Government Act, 1948, railway, canal, and electricity hereditaments were also "de-rated".

In the United States the "property tax"—on the capital value of real property—is the most important source of revenue for local authorities of all kinds. Indeed, in 1937 this tax represented 70 per cent of the total revenue in eighteen sample cities with a population exceeding 100,000.

A similar tax is generally available to local authorities in the British Dominions. In Canada it is at the discretion of the local authorities themselves whether they tax land on the annual or capital value. In New South Wales and Queensland the tax is on the "unimproved capital value of land" (which term has various interpretations), in Western Australia on the annual value of land and buildings, in South Australia and Victoria—and also in New Zealand—on either at the option of the local authorities (which, it seems, usually prefer the annual value). It is to be observed that both in Australia and New Zealand buildings and improvements tend more and more to be exempt from taxation.

Although, in the Scandinavian countries, the local income-tax is the more important, a local tax on the capital value of real property is also permissible. In Denmark a ground tax is levied on the value of the site alone and a property tax on the building value, i.e., the difference between the commercial value and the ground value. The valuation takes place every fifth year. The rate based on this assessment is fixed for four years in towns.

American advocates of the capital value tax contend that it forces improvement or sale instead of putting a premium on holding land idle and on the retention of obsolete buildings. Vacant land (i.e., land on which no buildings have been

erected) is taxed at the same rate as improved property in almost all states, and in a few at an increased rate. Also, unless the emptiness of a building is caused by some circumstances that directly affect the market value of the premises, there would be no reduction on that account.

In England and Wales unoccupied land and buildings are not rated, except in the City of London. Under the Scottish rating system, both owner and occupier pay rates, the former being specifically liable for some and the latter for others, while liability for the bulk of the rates is divided between the two. In the case of unoccupied properties the owner is liable.

In Belgium reduction of property tax is granted in respect of vacant properties. The same is the case in France, provided that the non-occupation of dwelling-houses or parts of houses has continued for at least one year, or of a factory three months. The Dutch law is very similar.

#### SPECIAL ASSESSMENTS OR BETTERMENT

"Special assessments" have been a matter of the greatest importance to American cities, especially the larger ones. They probably brought in several hundred millions of dollars a year and, according to an American writer, they represented in 1927 about one-sixteenth of all local revenue, but it appears that the objection of the public to payment of "betterment" before any benefit has actually been realized, is leading to an abandonment of this system.

The principle upon which they are based is that the cost of public works, such as paving (surfacing of roads), street widening, sewers, parks and playgrounds, is to be wholly or partly assessed on the properties benefited—indeed, it is in fact the principle of a "betterment" tax.

There are many different methods of fixing the areas to be assessed and the rates to be paid. For large road schemes the assessment usually varies with the distance of the land benefited from the improvement, the land being zoned and each zone assessed according to the frontage, the area or the value of the land, the rate of assessment in any case being highest in the zone nearest the improvement and decreasing from zone to zone outwards. In all cities there are limitations, by state

constitution or laws or by city charters, to special assessments and in most states they are under the control of the state legislature.

It may be mentioned in this connection that in Belgium some communes make great use of their powers of "expropriation by zone" to recoup themselves for the cost of construction of streets, sewers, etc., by the sale of such of the expropriated land as they do not need. Others require land-owners to grant the land wanted for new streets and levy taxes, to meet both the capital charges and the interest, on the owners of land within the zone affected. Further, to meet the cost of maintenance of streets, local taxes may be levied either on the assessable value of the adjoining land or on some characteristic of the adjoining buildings, such as the extent of the façade, the superficies of the ground floor or of each of the floors.

#### MISCELLANEOUS LOCAL TAXES

In almost every country except Great Britain, local authorities are permitted to levy taxes on certain specified objects, often a very wide variety, but an examination of these different forms of local taxation does not bring to light any which give a substantial return. Very often the cost of collection renders them unremunerative.

This is said to have been the case with the forty-two experimental taxes levied in Germany in 1932—which included such eccentricities as taxes on parrots and *Bubiköpfe* (or Eton crop). The French *Loi Niveaux* of 1926 set out twenty-three taxes which any commune might levy subject to the approval of the prefect. Of these, such taxes as those on billiard tables, tennis courts, slot machines or gramophones, gave little return, while others are described as being merely new "additional centimes".

In Belgium communal taxes may, with the approval of the King, be levied on any subjects which are not the basis of State taxation and are not expressly excluded by law. A study, published in 1932, of the Royal Orders shows that the following have been considered by the government as suitable subjects for communal taxation: industries (coal mines, generating

motors, staff employed in the manufacture of bricks, zinc factories, diamond cutting); buildings and reconstructions; horses and other draught animals; hawkers, enclosures and masonry walls; places for the retail sale of liquor and tobacco; dogs; public billiard rooms; public entertainments; domestic servants; right to erect stands or use quays; signboards and advertisements; stalls; balconies and looking-glasses attached to windows; grilles; gaming clubs; apartment houses and rooms let as lodgings; carriage ranks; musical instruments; accumulated interest; funerals, burials, exhumations; bicycles, tri-cycles and other vehicles; games accessories; facilities for skittles, bowls, tennis and other games in places for the retail sale of liquor; ventilation gratings; petrol pumps; pigeon-houses; upkeep of roads.

In Switzerland, says Stadtammann Löhner (*Die Gemeindeautonomie*), taxation on exchange, land, dogs, profit on immovables, entertainments, inheritance, is wholly or partly left to the communes, and other local taxes are permitted in many cantons.

An Estonian law of 1917 listed thirty different taxes as available to local authorities. Latvia tabled twenty-nine, some of which are rather "fees". The local taxes other than those on land and buildings which are most fruitful and also most usual are those on dogs, sale of liquor, public entertainments, advertisements, horses, vehicles and visitors.

Octroi used to be a fruitful source of revenue for the towns. In Italy it was the main source up to 1930, when it was completely abolished. It is still of considerable importance to many French towns, but prior to the war there was a reduction in the number each year. The same was the case in certain provinces of British India.

Local authorities throughout the United States have been seeking new sources of revenue in recent years. They have found only a few. Since the repeal of prohibition, considerable revenue has been obtained from the licensing of liquor establishments or the profits from liquor stores. New or increased business taxes have been imposed. A sales tax has been tried, but this has proved impracticable for a local authority. The use of "parking meters" is a recent development, which

seems likely to spread. These are installed so that a person may legally park his car on the street in a business district for a limited length of time by depositing a coin in a meter. When the time paid for has expired, the meter exposes a flag. The motorist is then liable to a fine for over-parking. The city of Jacksonville (Florida), thanks to a monthly revenue of between six and seven thousand dollars, was able to pay off the cost of its parking meters in less than two years after their installation. The *United States Municipal News* stated in January, 1948, that tobacco taxes were levied by about sixty cities. New York State has authorized "up-state" cities and counties to impose a gross receipts tax, 2 per cent sales tax, \$5 use tax on passenger cars and \$10 use tax on trucks, hotel room tax, 3 per cent tax on restaurant bills of more than \$1, a local tax on liquor licences, an admissions tax and a tax on vending machines. Miami levies a 5 per cent tax on hotel and apartment bills.

## LOANS

It is usual for local authorities to wish to spread expenditure of a "capital" nature (i.e. on "permanent improvements"—in many countries called "extraordinary" expenditure) over a period of years and therefore to borrow money for this purpose. The central government, in every country, keeps a tight hand over the local authorities in this respect.

In the United States, twenty-eight states place a constitutional limitation on the total debt of each municipality, but this obligation has been very largely evaded by local authorities, so much so that it has been stated (by Mayor Daniel W. Hoan in *City Government*) that on 1st March, 1934, more than 2,000 local governments were reported in default on the payment of interest or capital or both. This was, of course, largely due to the general economic depression. The maximum period for which loans may be raised is limited in some states, varying from fifteen years in Colorado to seventy-five years in California. Several states require a local referendum on the issue of all bonds by municipalities or on bonds which will bring the total debt beyond certain limits.

In most other countries a local authority must obtain the sanction of a department of the central government to raise

a loan, except for short terms, when a bank overdraft may be sufficient.

The borrowing of money by a local authority in Great Britain needs in most cases the sanction of the Minister of Health, who considers the general financial position of the local authority and the circumstances of the work for which the loan is needed, and often, in giving approval, lays down conditions in addition to specifying the exact sum which can be borrowed, the purpose for which the money is required, the period within which repayment is to be made, and the security to be given to the lenders. The larger authorities frequently obtain power to borrow by means of a Private Act. The English Public Works Loan Board was set up in 1875 to advance money to the smaller authorities on the security of the rates at a low rate of interest. It was formerly customary for the Board to lend only to local authorities with a rateable value under £200,000, but recently larger authorities have been able to avail themselves of the advantage.

An institution of great interest and importance was established in Belgium in 1860—the *Crédit Communal*. This is a society in which all the shares are held by local authorities, each commune or province taking up shares to the extent of 5 per cent of its long-term loans, the shares being transferable only between local authorities and subject to the approval of the executive committee of the society. All the members of the executive and administrative committees, except two representatives of the State, are elected members of the authorities concerned. Each authority must not only mortgage all its revenues for the payment of the annual instalments on loans, but must also give to the *Crédit Communal* a lien on certain sources of income, particularly that received from the State. All loans granted by the *Crédit Communal* must in the first instance be approved by the provincial executives and by the Government, this approval depending upon the necessity for the loan and the sufficiency of the authority's revenue. Out of the total number of 2,674 Belgian communes, only thirty-five were, in 1935, not shareholders in the *Crédit Communal*.

A somewhat similar institution exists in Holland in the Bank of Dutch Communes, half of the capital of which is provided

by the State and the other half by communes, provinces, *waterschappen* and other public institutions. The Union of Dutch Communes is represented on the governing body. This bank lends money to communes for short terms and acts as intermediary in respect of loans for longer terms. For the former a decision of the communal council needs the approval of the provincial "college", which is usually given for one year only and in some provinces for three months. An application for a long-term loan is more fully examined by the *Gedeputeerde Staten*.

The French *Caisse de crédit aux Départements et Communes*, established in 1931, while assisting the smaller authorities, has not sufficient resources to grant loans to the large towns. The authorization of the *Conseil d'Etat* is necessary for all long-term loans, except in the case of communes whose revenue does not exceed a certain amount (in 1929 3,000,000 francs), when the approval of the prefect is sufficient.

American cities have a special difficulty in that they find themselves obliged to borrow for the running expenses of the first quarter of the financial year, since local taxes or rates are not collected in advance, as, for instance, in Great Britain.

Many American cities aim to avoid the piling up of municipal debt by the adoption of the "pay-as-you-go" system, on the principle that, as expenditure on "permanent improvements" is needed every year, it is not unfair that they should be paid for out of current revenue, while by this method heavy payments of interest are no longer necessary—in Great Britain, says Mr. W. Eric Jackson (*Local Government in England and Wales*), "the greater part of the money raised from rates goes in paying for the debts of the past".

A survey of cities practising the pay-as-you-go system was made by Tax Institute, Inc., of New York City. From this it appears that Kalamazoo, Michigan, was first in establishing the policy in 1918 and, without raising any loan, acquired a new city hall, a 300-acre airport, two municipal golf courses, large park sites and playgrounds. Milwaukee set out in 1923 to abolish municipal debt and so "get rid of the interest burden" and place the whole matter on a "cash basis". The plan seems to be working successfully. According to ex-Mayor Hoan, the



"public debt will be wiped out before 1950". Many other American cities are taking the same line. This matter depends mainly on the policy regarding the application of profits from municipal trading enterprises, which has been dealt with above.

The pay-as-you-go system is not unknown in Great Britain, but it has not as yet been very largely adopted. The total cost of capital expenditure for public works in Montreal during the years 1942-7 amounted to \$11,200,000 and was all met out of ordinary revenue.

### BUDGET PROCEDURE

The actual accountancy work of preparing the budget can vary little in the different countries, but there is a definite variation as regards the person or body responsible for submitting the budget to the council. This is as a rule the mayor or burgomaster of a city, or the head of a department or province, but in the cities possessing a city manager, that official is responsible.

In Great Britain it is the business of the chairman of the finance committee of any local authority to present the estimates (budget) to the council, but merely as chairman of the committee, with no personal responsibility. Each "spending committee" will have sent in an estimate of its requirements to the finance committee and that committee will have considered these estimates, will probably have reduced some of them and will recommend the "budget" as a whole. The financial officer, accountant, comptroller or treasurer (whichever title the local authority may have adopted for their chief financial adviser) will have had much to do with its preparation and much to say at the meetings of the finance committee, but he takes no part in the proceedings of the council.

The question of central control over the budget and over local finance generally will be dealt with in the next chapter.

### SUMMARY

To sum up the main points of the financial systems in a certain number of countries:

*Belgium.* Common funds, additional centimes and numerous local taxes. Annual accounts must be submitted by

communes to the permanent deputation of the provincial council, while those of provincial councils are audited by the *Cour des Comptes*—a central body.

*British Dominions.* Local tax on land or buildings (sometimes annual, sometimes capital value) the main resource. Little grant-in-aid as a whole. Johannesburg an exception, in that it obtains most of its revenue from charges for municipal services. In Canada much relief to agriculture.

*Denmark.* All local authorities may levy taxes on both property and income, but the amount of the property tax must not exceed one-sixth of the average of the total of property and income tax during the previous ten years. With regard to the local income tax, detailed regulations are laid down as to its assessment according to the commune of residence and the commune of employment and also to the communal tax on companies.

*England and Wales.* Rate on annual value of land and buildings the main source of revenue. Amount unrestricted except for parish councils. Large grants-in-aid—in some cases (including police and education) by percentage grants. No confirmation of budget required. Complete audit system under Ministry of Health except for boroughs, which may still run their own audit, except for education. Loans subject mainly to approval of Ministry of Health.

*France.* Main source—additional centimes to four fictitious national taxes (i.e., land tax, land and buildings tax, tax on rentals of houses and apartments, licence tax on trades and professions). Also local taxes on a variety of subjects, but not much return. Octroi still important in many communes. Common funds—i.e., proportions of the produce of certain national taxes. All local budgets must be submitted to the prefect for confirmation and for audit. He can also exercise *inscription d'office*, which is also practised in Holland, Hungary, Poland, Turkey and Japan.

*Germany.* Large assigned revenues from the Reich distributed through the states. Profits on municipal undertakings and charges for municipal services. A limited number of local taxes.

*Holland.* Since 1929 local income tax abolished and the main

source à "municipality fund" fed by a State income-tax and 50 per cent of the State capital tax. Also additional centimes, within limits, to certain State taxes. Audit by Union of Communes.

*Hungary.* Large State subsidies, but the income tax is really a local tax, since, though collected nationally, the produce is paid over to the commune from which it originates. Also additional centimes and local taxes, on any subject which is not taxed by the State.

*Ireland.* Much the same as in England and Wales, but the system of assessment rather different. In the Irish Free State (Eire) the proportion of grants-in-aid to the total expenditure is gradually increasing. In 1931-2 it amounted to 42.3 per cent.

*Japan.* The greater proportion of revenue is obtained by local taxes, except that in the cities this is exceeded by profits from municipal undertakings. Grants-in-aid form a large proportion.

*Norway.* Largely local income-tax. Certain other taxes permitted. Control by central government over long-period loans.

*Poland.* Mainly local taxes of various kinds, other than on income or capital. Also additional centimes and a certain proportion of the State income tax. As in Holland, the Unions of Towns and of Districts carry out an audit, but the superior authorities have also power to inspect the final accounts.

*Scotland.* Much the same as in England, but a more complete system of audit by professional accountants, who report to the Secretary of State. The institution known as the "Common Good" gives many Scottish burghs a limited fund which they can use with greater freedom than English cities.

*Sweden.* Much as Norway—State grants-in-aid for many purposes and special help to poor communes. By an Act of 1931 communes may levy street and sewer taxes on land-owners. The legality of applying profits from municipal undertakings to the relief of rates is disputed.

*Switzerland.* Largely from additional centimes. Also many local taxes at the discretion of the communes. The cantons differ, but in one or another may be found local taxes on income, property, wages, rent—even, sometimes, transfer and

death duties. Dog taxes and entertainment taxes very usual. Much revenue from municipally owned property. Cantonal grants-in-aid for certain services.

*Turkey.* Grants-in-aid, local taxes and charges for municipal services, these last forming a large proportion of the revenue.

*U.S.A.* Mainly general property tax, but state and federal grants-in-aid increasing. Special assessments (betterment tax). Limit of borrowing fixed by state constitutions. State control as regards all financial matters tending to develop.

*U.S.S.R.* Considerable returns from municipal property. Also surtaxes on State income and other taxes, and various local taxes. Local levies for "cultural" purposes.

Reference has already been made (in Chapter I) to the fact, that in federal States, three separate tax systems are necessary, but in unitary States only two. This greatly affects the financial position of local authorities in those countries in which their needs are subordinate to the requirements of both Federation and state (or province) and it is especially important in relation to property taxes.

## CHAPTER VII

### CONTROL

#### THE NECESSITY OF CONTROL

IT is obvious that local authorities must be to some extent under the control of the central or national government, otherwise they would not be local authorities, but sovereign States. The extent of this control differs widely in different countries. So, too, do opinions as to what this extent should be.

On the latter point there is much which is of relevance to the present day in J. S. Mill's *Representative Government* (first published in 1861). Thus: "All business purely local—all which concerns only a single locality—should devolve upon the local authorities" and: "Where Parliament has not interfered, neither ought any branch of the executive to interfere with authority; but as an adviser and critic, an enforcer of the laws, and a denouncer to Parliament or the local constituencies, of conduct which it deems condemnable, the functions of the executive are of the greatest possible value".

Now, this is admittedly an English point of view, whereas national psychology, history, traditions, geography, climate—all have their bearing, not only on the form of local government which exists in any particular country, but on that which is suitable to it.

Different countries have different reasons for the exercise of central control. The above quotations from J. S. Mill give an indication of the main reason for it in Great Britain—namely, to assist the local authorities in carrying out their administration effectively and to see that it is in accordance with the law.

Some of the reasons for central control in other countries have been given in Chapter I, but an additional factor which is to be found in most continental countries is the financial one—the central government's need of money and the fear that local authorities may tap financial resources to such an extent as to cripple the national Exchequer. This is the reason

for the restrictions on local taxation which are to be found in most countries of Europe. The restrictions on borrowing (which are to be found in Great Britain as elsewhere, and are dealt with in Chapter VI) are not so much for the protection of national finance as for the prevention of local extravagance.

In those countries in which local authorities receive substantial grants from the central government, central control is exercised to ensure that the money is expended economically and for the intended purposes. Such grants may also be used as a means of requiring certain functions to be carried out and of establishing a minimum standard. Where this is the case, the local accounts relating to such functions will be strictly controlled.

Such forms of control as the appointment or the confirmation of appointment of leading officials, the power to dissolve a local council, the confirmation of local resolutions and budgets, are all based on the principle of the supremacy of the central government and the danger of allowing freedom to the local authorities. Audit of local accounts by a central authority is rather a system of enforcing compliance with the law—unless, of course, it extends to a decision on the expediency, and not only the legality, of items of expenditure.

Where local authorities are exercising functions which are in reality State functions delegated to them for convenience of administration, it is natural that the central government should supervise their actions. As regards supervision over other functions, one often, in Great Britain, hears it said that "we in Little Puddington know more about our needs than Whitehall". But the point is, not that Whitehall (i.e., the central government) knows all about Little Puddington, but that it knows about what is going on in all the other parts of England and much of what is going on in other countries, and that it has at its service the greatest experts in all branches of public administration. To quote again from J. S. Mill: "Power may be localized, but knowledge to be most useful, must be centralized; . . . To every branch of local administration which affects the general interest, there should be a corresponding central organ, either a minister, or some specially appointed functionary under him; even if that functionary does no more than

collect information from all quarters, and bring the experience acquired in one locality to the knowledge of another where it is wanted".

This, it is true, does not imply control, but it does imply supervision—a form of centralization which need not conflict with the principle of local self-government.

As has already been indicated, there was, under the Fascist system in Italy and the Nazi system in Germany, no local self-government whatever. Local administration was carried on by agents of the central government, but, as the subject-matter of this volume is "comparative local government" and not "comparative local self-government", it seems necessary to give some description of the form of control over the local agents under these two systems.

## ITALY

In Fascist Italy, the *podestà*—and similarly the prefect, or head of a province—was simply an agent of the central government and the central control of local government in Italy was that of a superior officer over an inferior, who may simply be dismissed if he does not carry out his orders. There was no pretence here that local self-government any longer existed—even the actions of the *podestà* being in every case subject to the approval of a higher authority. Those of minor importance needed only a simple "visa" by the prefect, but those of greater importance were subjected to a special provincial body called the *Giunta Provinciale Amministrativa*. The subjects which required one or the other form of approval varied according to the population of the commune.

The provincial *Giunta* which exercised this control had the prefect (a central official) as its chairman and was composed of a number of provincial officials together with four citizens, who were held to be legal, administrative or technical experts and who were nominated by the national Fascist Party. There was a different body—the "prefectoral council"—which controlled the accounts and financial affairs of the communes, and other provincial bodies concerned with various branches of communal administration.

The prefect of the province was described in the law of

3rd April, 1926, as "the highest authority of the State in the Province—the direct representative of the Central Executive Power" and he was directly dependent on the Ministry of the Interior, of which Mussolini was the head. The position of the *podestà* of each municipality has already been described. Another important person in municipal administration was the secretary-general, who entered the local service after passing a stiff competitive examination. These secretaries were, by an Act of August, 1928, made State officials.

It has been already stated that Italy is one of the countries in which the aim of central control was the domination of a Party. Dr. Finer, in *Mussolini's Italy*, says—in italics—"No one, to-day, can obtain employment either in the central authority or the local authorities unless he is a member of the Party". It is clear that in Fascist Italy there was no local self-government and that the central control of local government was comprehensive and complete and was exercised in the interests of and according to the policy of the Fascist Party alone.

## GERMANY

The type of central control exercised in Germany before the National-Socialist revolution has been indicated in Chapter I. The more recent system of control, established under the Nazi régime, is fully set out in the *Deutsche Gemeindeordnung* (or German Local Government Act) of 1935—usually quoted as D.G.O.

Section 106 of the D.G.O. runs as follows: "The State controls the commune, in order to ensure that it is administered in accordance with the laws and with the aims of the Government of the State (*Staatsführung*). The control must be so exercised that the power of determination and the enjoyment of responsibility of the communal administration are furthered and not prejudiced". As has been already pointed out, there is no power of determination or responsibility, locally, except in the burgomaster, and this section of the D.G.O. must be understood accordingly.

The supreme controlling authority was the Minister of the Interior, who by Order nominated the controlling authority



which intervened between him and the commune. In the case of the *Stadtkreise* or county boroughs there was only one such controlling authority—in Prussia, the *Regierungspräsident* or head of the province; in the case of the non-county boroughs this official was an upper controlling authority, there being another between him and the commune, namely the *Landrat*, the head of the *Kreis* or county. A similar system, with differently named officials, existed in the other parts of Germany.

But not only was the burgomaster subject to this hierarchical control. He had by his side, with very definite powers, the Party agent, who was as a rule the *Landrat* for the non-county boroughs, but was some specially appointed person in the case of the county boroughs—thus, the Party agent of Berlin was Herr Goebbels, while the Party agent of Munich was the Führer himself.

This being the case, it is obvious that the burgomaster was kept on a very tight rein in practice, apart from the restrictions laid upon him by law.

Dr. Jeserich, the managing director of the *Deutscher Gemeindetag* or German Union of Local Authorities, in *Die Deutsche Gemeinde*, pointed to five heads of control of a general character which could be exercised by the higher authority, viz.: (1) the power to require information; (2) the power to quash decisions or orders of the burgomaster which violate the law or are not in accordance with national policy; (3) the power to require the burgomaster to make such orders as the law lays down; (4) the power to act in any such cases at the cost of the commune; (5) the power to appoint a commissioner, if the administration of the commune is not satisfactory.

In addition to these heads of a general character, Dr. Jeserich named eleven specific cases in which the higher authority could intervene or in which its approval was required. These included the appointment and dismissal of the burgomaster and his deputies, decisions on questions relating to boundaries, approval of standing orders, loans and local budget.

Again, there were provisions of the law from which the higher authority could grant exemption—e.g. as to the qualifications for the burgomastership in a county borough, the

prohibition against local officials being made deputy burgomasters or councillors.

It is therefore clear, that although burgomasters were apt to claim that they had wide freedom to act according to their discretion during their term of office (after the first year) they were in fact subject to a very strict and far-reaching control. It should be mentioned here that the distinction in law between urban and rural communes was abolished and therefore all local authorities were subject to the kind of control described.

With the abolition of all elected councils, all responsibility rested in the official, who was subject to the control both of his administrative superiors and the Party hierarchy. While attached to the idea of a single responsible person as against a council or "collegiate body", the German (not merely the Nazi) principle of government left little real responsibility to any individual official, but set up a most complicated system of controlling officials and bodies, one above the other and often side by side. In former times it was extremely difficult to be certain what functions a burgomaster exercised as a State official and what as a representative of the commune, and that difficulty became much greater when the number of controlling bodies and persons had been so vastly increased.

The tight hand which the central government held over local administration generally included the financial side. This was always the case, and hence the claim that local authorities were entitled to do anything they thought fit which was not prohibited by law meant little in view of their limited financial powers. These restrictions became yet more severe under Hitler, especially as regards trading undertakings, which might be newly established only if they could not be better done otherwise—and must bring in a profit.

The lengths to which totalitarianism carried the power of the central government and of the Nazi Party in Germany were beyond anything which had been previously experienced in that country. Nevertheless, the principle and practice of hierarchical control had existed long before Hitler, modified only temporarily by the reforms of Stein, as described in Chapter I. The State control over the self-governing bodies and over officials such as the burgomaster was exercised by

two or three grades of supervisory authorities, in addition to the Ministry of State itself.

### U.S.S.R.

In the Soviet Union, the control over local government by the State is as complete as it ever was in Italy or Germany, but it is of a different nature. In the two latter countries it was based upon laws, which specified the functions of local authorities and the relations between those of different grades and between them and the central government.

There is no such law in the Soviet Union. Local authorities, created by election, are free to do whatever they consider to be in the interests of the community, subject only to the fact that whatever they do may be overridden by a local authority of a higher grade, or, eventually, by the central government.

The subordination of what we should call local authorities to the central government is emphasized by the fact that, in the Soviet Constitution of 1936, the bodies which are elected for the administration of "territories, provinces, autonomous provinces, regions, districts, cities and villages" (if that is the correct translation of the Russian terms) are described as "Local Organs of State Power".

Seeing that there is not even any pretence that the local communities or their elected institutions have any rights as against the central government, but are obliged to carry out any directions which the central government may give them, it seems unnecessary to pursue the question of the form of central control exercised, the details of which, it may be frankly admitted, are extremely difficult to ascertain.

It has been stated that any interference by a higher authority with a lower is never practised except to stimulate the latter to further exertions—never to suppress local activities. Whether or not that is actually the case, there is not sufficient evidence to show.

### FRANCE

We will now turn to a country in which the government, while not totalitarian, is and has always been very largely centralized—France. The French word which is used for the

control exercised over local authorities is *tutelle*, the exact English translation of which is "guardianship". M. Henry Berthélemy, in his article in the latest important publication on this subject, Vol. X of the *Encyclopédie Française*, quarrels with the term on the ground that it properly applies only to the care of persons unable to take care of themselves, which is not the case with the local authorities. He gives, however, a valuable definition of what *la tutelle administrative* really is—namely, "the entirety of the precautions taken in order that the decentralized services shall not encroach upon the sphere of the national services, that they shall not by negligence or incapacity, endanger the interests of the community which they serve, and that they abstain from any abuse of authority as against local minorities". While this is a valuable definition, it is doubtful whether it is complete, especially as it omits any reference to compliance with the law.

The supreme controlling power is, of course, the central government—the President of the Republic and the Ministers—but between them and the local authorities is an official of the utmost importance, whose position and powers it is necessary to study very carefully—namely, the prefect.

Although the elected local bodies in France certainly possess many important powers, they are all—municipal councils (even of the largest towns) as well as councils-general of the departments—under the control of the prefect, who is the head of the department and its sole responsible executive official.

A prefect is appointed for each of the ninety departments by decree, on the nomination of the Minister of the Interior. He is the agent, for his department, of all the central ministries. His salary is paid by the central government and he is expected to act as the political and electoral agent of the government of the day. The period for which he is appointed is indefinite, but a change of ministry is generally followed by a rearrangement of prefects, and the accession to office of a government with an entire change of policy is likely to occasion a clean sweep.

The prefect has very wide powers as regards police and public health for the whole department, but we are now more concerned with his powers of control over the communes. He can make regulations, enforceable throughout the whole

department, in relation to the public safety, health and order, the administration of the rural police, the protection of public property and other matters; he appoints all school teachers, roadmen, certain tax-collectors and some other officials; he can suspend mayors, their deputies and even the municipal councils themselves; many resolutions of the municipal councils require his approval; above all, the budgets or estimates of every commune must be submitted to him and he can, if he thinks fit, apply *l'inscription d'office*, which means that, if the budget does not contain sufficient provision for the obligatory services, he has power to insert the additional items of expenditure and, if necessary, impose extra taxation to meet them.

It was said at the time, and has often been said since, that the 1926 decree was a great measure of decentralization, but in fact that has not been the consequence. "Deconcentration" there has, perhaps, been to a certain extent, but even that has been little more than the transfer of certain powers from the prefects to the sub-prefects.

The sub-prefects are just as much agents of the central government as are the prefects themselves. Up to 1926, there were 274 sub-prefects in France, whose duty it was to act in their respective areas on behalf of the prefect in accordance with his directions. In 1926, the number of sub-prefects was reduced from 274 to 168, but at the same time, the decree conferred upon them, in place of the prefects, certain powers of control over municipal councils and mayors. The sub-prefect now approves the communal budgets which do not amount to more than Fr. 10,000,000, he arranges for inquiries as to alteration of boundaries, he divides the commune into election wards and calls municipal by-elections, he can dismiss local policemen and take the place of a mayor who has been suspended from office. His main function, however, is to act as adviser to the mayors in his district and it is in reality for the convenience of the latter that the sub-prefect has been given wider powers.

The position of the prefect in relation to the central government has been well described by Mr. E. M. Sait. He says: "In the exercise of some of his powers the prefect has a free

hand; he proceeds upon his own responsibility without needing to secure approval beforehand or afterwards; and his acts may be annulled or corrected only on the ground of illegality. In most cases, however—as when he executes national laws and decrees—he is bound by detailed instructions. The traffic regulations which one needs while travelling through a dozen departments are signed by a dozen different prefects; but they have a striking family resemblance; they are, in fact, couched in precisely the same language”.

#### BELGIUM

In view of the sharp division between the French and Flemish population of Belgium, a completely centralized government in that country would not be possible. The idea of “communal autonomy” has always been a plank in the platform of all the political parties and it is asserted to be a “constitutional principle,” but this principle has nowhere been defined farther than by the general statement that “the communes regulate everything which is of communal interest”. The legislature, it would seem, is free to interpret this “constitutional principle” as it may choose.

In any case, there are certain measures of control to which no objections seem to have been raised in the name of this principle. Thus, every burgomaster is appointed by the Crown—chosen always from among the elected communal councillors, although there is no constitutional or legal obstacle to his being selected from outside the council and even from outside the commune.

In addition, the communes are in many respects subject to the higher grade of local authority, namely, the “permanent deputation” of the province—a body elected every four years by the provincial council from among its own members. This body has, in particular, control over communal finance, since all communal budgets and new communal taxes must be submitted to it for approval—or, in some cases to the Governor or the central government.

#### HOLLAND

The Dutch system of control over local authorities is very similar to the Belgian. Here again, we have a burgomaster

appointed by the Crown and a provincial body—known as the *Gedeputeerde Staten*—which resembles the permanent deputation of Belgium and has similar power over the communal authorities.

## SCANDINAVIA

In the Scandinavian countries the local authorities enjoy greater freedom than in most of the countries of Europe. This is especially the case in Denmark, where the right of local self-government is definitely established by the Constitution. What, however, is the actual meaning of this self-government, the Constitution does not define, and thus the form and extent of control becomes a matter for the legislature.

The control over the primary units—the parish communes—is mainly left to the county councils. The control over town and county councils is exercised mainly by the Ministry of the Interior, though other Ministries are concerned with different branches of administration.

If a local council acts *ultra vires* or passes any resolution which is contrary to the law or detrimental to the welfare of the community, the supervising authority can, within six weeks after the passing of the resolution, having given the local council an opportunity of stating its case, quash the resolution and make the members concerned responsible.

The local authorities have very wide powers of taxation (including a local income-tax) but the consent of the supervising authority is necessary for the levying of a tax above a specified amount. Parish and county councils may not without consent raise a loan which they cannot redeem by the end of the ensuing year. Town councils must obtain permission to raise any loan which exceeds twenty-five crowns per head of the population.

The position is very similar in Norway, except that here it is the county governor (*fylkesmand*) who is in reality the supervising authority over the communes, and not the county council. Where decisions of a local council (not relating to finance) are passed by a two-thirds majority, there is little control over them. The financial control of the State has been strengthened in recent years and there are definite restrictions

as to the amounts which the communes may levy, by way of income or other tax, the department of finance being empowered to allow the maxima to be exceeded.

The local authorities in Sweden enjoy even greater freedom than those in Norway and Denmark. It is only in exceptional cases that a communal resolution requires the approval of a higher authority. One of these cases is the raising of a loan, which is always subject to ministerial investigation and approval, and it is of interest to note that since 1918 a committee of the Swedish Union of Towns has always been heard in respect of any application for sanction to a loan from a town council. In the sphere of education the Government grants seem to be tending to somewhat more meticulous control by the central authority.

### BALTIC COUNTRIES

Finland was for six hundred years united to Sweden and consequently its local government developed on the same lines. This was not destroyed during the Russian occupation from 1809, and, since the establishment of Finnish independence after the first Great War, the development of communal autonomy has actively progressed. The activities of the local councils are only to a very restricted extent subject to control by the State supervisory authorities. Even the levy of local taxes is independent of State supervision, but loans for over two years need approval. The communes appoint their own officials except that the appointment of the M.O.H. and one or two others needs the confirmation of the State authorities. The institution of government grants has here, as elsewhere, given the central government grounds for intervention in the communal activities; this applies in particular to education, welfare work, tuberculosis and the feeble-minded. Any citizen can appeal against a decision of a communal council on a point of law.

While it is not proposed to deal here with all the small countries either of the Baltic or the Balkans, some reference may be made to the case of Latvia, because its local government system was completely reorganized in June, 1938, and it is therefore interesting to note that in this attractive and



prosperous country, so proud at that time of its independence, a local government system was then adopted very similar to the Italian Fascist, since the members of the town councils were not elected by the population, but were appointed by national bodies such as the chambers of commerce, agriculture, industry, professions, culture and labour. The Mayor of Riga was nominated by the Council of Ministers and was assisted by nine municipal councillors, nominated by the State. It is therefore obvious that under this, the most modern of all local government constitutions prior to the last war, the State exercised considerable control. It was, however, asserted that this constitution was intended to be only temporary and that a more democratic system would before long be substituted for it.

### HUNGARY

The Hungarian system should be specially noted, because of the wide power exercised by the *comitat* or county authority over all local authorities other than what we may call the county boroughs. The *comitat* has, of course, above it the Ministries of State, which also directly control the county boroughs. In Hungary, permanent officials, both central and local, play a much larger part in local government than elsewhere, since they can be and often are *ex officio* members of local councils and committees. This leads in effect to a very considerable bureaucratic control.

### SWITZERLAND

One other European country must be mentioned here, namely, Switzerland. Here we have a Federation, and the Federal Government and Federal Constitution do not concern themselves at all with local government. That is a matter for the twenty-five cantons, each of which deals with it in its own way. Generally speaking, there is much local autonomy, but there is stricter control in the French cantons and the Italian canton of Ticino than in the German cantons, while the Berne group of cantons may be said to hold an intermediate position.

So far, at any rate, as concerns activities which are financed solely by the communes themselves, they are almost completely free to act as they please. Where they are carrying out functions

delegated to them by the cantonal authority (such as education) the latter exercises greater control, and there are some purposes for which the cantons give grants to the local authorities and consequently, as in other countries, claim and exercise the right to see how the money is expended.

The systems in the different cantons vary so widely in so many details that it is impossible to attempt to deal with them in a short statement, but it appears that, generally speaking, the local authorities of Switzerland are freer of central control than those of any European country.

### TURKEY

In Turkey, whereas most of the resolutions of local authorities come into force immediately, there are others which need the approval of the sub-prefect, prefect, Minister, Council of Ministers, or Great National Assembly, according to their importance. If approval is withheld, a local authority can appeal to the administrative courts.

### U.S.A.

Turning now to the United States of America, one would have said only a few years ago that the Federal Government exercised no control whatever over the local authorities, and the state governments in practice no administrative control, although the Supreme Court of the United States has held that, in the absence of constitutional limitations, the state legislature has complete plenary control over municipal corporations. As in Switzerland, local government was no concern of the Federal Government. Each of the forty-eight states had its own system of local government, based on the constitution of the particular state. Apart from the provisions of the constitution (including any amendments which might have been made in it) and from any state legislation, the local authorities—that is to say, the cities and (in New England) the townships, for outside these there was no local authority deserving the name—were free to act as they chose. The state legislatures did not maintain departments like those of Whitehall, which either confirmed resolutions or appointments, collected statistics or employed inspectors. They did not

audit local accounts or sanction local loans. The local authorities were, it is true, restricted in their powers with regard to local taxation and borrowing, but this was by constitution or legislation not by administrative control, and the restriction on borrowing powers took the form of a maximum limit.

The exceeding of this maximum limit by a very large number of cities and their consequent bankruptcy was one of the causes which led to a far-reaching change in the matter of control. The financial depression further necessitated assistance from the Federal Government on a large scale and this has had the usual consequence of bringing about in recent years an intervention by the Federal and state governments in the activities of local authorities such as had never previously existed.

By 1935, forty states had provided for the audit and inspection of local accounts, thirty-six states for the installation of local accounting systems. In thirty-two states the usual limitation, by constitution or by statute, of the total borrowing power of municipalities, has been supplemented by administrative supervision over local debts—mainly only as to form and publicity, but in ten states discretionary power is given to state officials to approve municipal issues. By 1936, every state of the Union was exercising some form of supervision over public utilities, public health and highways in local areas.

An American writer, Mr. Charles A. Beard, said in a book recently published (*American Government and Politics*): "while we are only at the beginning of a reconstruction in local government, we have advanced far on the way toward state control over the processes of local administration and the transfer of local functions to higher authorities" and the same writer quotes from an official report of June, 1938: "Selections for the list of 'physical accomplishments on Works Progress Administration projects' through October, 1937, taken in connection with the huge appropriations laid out for such purposes, give the clear impression that the Federal Government is carrying on directly or indirectly almost every kind of municipal function".

We may therefore fairly say that in the United States

administrative control over local government, which was almost non-existent twenty-five years ago, is extending with great rapidity, although the cities still, in many respects, enjoy a great deal of freedom.

Of course, the absence of control over American local authorities in the past was largely due to the vast distances in that great country. The national capital, Washington, is 3,000 miles from the Pacific coast. At least ten states are each larger than the whole of the United Kingdom. The distance from the south to the north of California is greater than that from Land's End to John o' Groats. And the road and rail connections, except in the eastern states, were until recently such that communication was difficult and slow. The invention of the telegraph and the telephone, motor-cars and aeroplanes, and great engineering works of all kinds, have altered all that and have largely diminished the difficulties of administration from a distant centre.

#### GREATER BRITAIN

The position in the British self-governing Dominions has been much the same as formerly in the United States, and the changes which are occurring in the latter country have not yet shown themselves to any marked extent in Australia, Canada or South Africa. The Governors of the Australian states and of the Canadian provinces and the provincial administrators of South Africa have considerable powers of supervision and control over the local authorities, but they are not exercised to any great extent, largely on account of the difficulty of distance. Audit in these countries is only in exceptional cases carried out by State officials; in New Zealand, however, the accounts of all local authorities are audited annually by government inspectors.

The government of the Crown Colonies is, of course, more centralized than that of the rest of the British Commonwealth. There is no uniform pattern. Elected legislative councils exist in many of these colonies, and often also elected municipal councils and elected mayors. Generally speaking, however, the Governors possess very wide powers and it may be taken that, on the whole, the control is fairly strict.

## JAPAN

In Japan, there are many of the forms of local self-government—representative assemblies, elected mayors of cities and headmen of towns and villages and so forth. The control by the central government is, however, of an extreme kind—exercised mainly by the Governors of the Prefectures, who, with the officials attached to them, are government officials. The Ministry of Home Affairs can dissolve any local authority which does not act as the government desires. As a recent American writer puts it: "There is no conflict of jurisdiction between the local and central governments, because the former is no more than a detailed ramification of some division of the latter. Here again one meets with the Japanese passion for unity". We may therefore take it that central control in Japan is as complete as it was in the European totalitarian States, but the new Japanese constitution may modify this situation.

## GREAT BRITAIN AND IRELAND

As regards Great Britain, it will be perhaps most convenient to state in the first place those matters which in some countries are controlled by the central government, but are not controlled in Great Britain. These include the election of councillors and aldermen, and of mayors or chairmen of any local councils, the appointment of officials (except as stated in Chapter IV) and the making of standing orders. Neither the budget nor any resolutions of a local authority need confirmation by the central government, nor the amount of rate (local tax) levied. In no case can the central government dissolve a local authority.

On the positive side, control over local authorities is exercised in three ways: (1) by statute; (2) by Courts of Law; (3) by Government Departments. The form of a local authority's structure is laid down by Act of Parliament, which also requires the establishment by local authorities of certain committees and the appointment of certain officials. As already stated, no local authority can exercise any powers other than those conferred by public legislation or by a private Act. It is for the ordinary Courts of Law to interpret the meaning of

Acts of Parliament affecting local authorities, if occasion arises, and it is to the ordinary Courts that any person must appeal who considers himself aggrieved by any act of a local authority, except in certain cases with which government departments have been given power to deal. Application may be made to the Courts for an injunction or a declaration of right, to prevent a local authority from exceeding its powers or from doing an illegal act. If it is desired to compel a local authority to do a duty which it is neglecting, this can be done by means of what used to be called a "writ of mandamus" but is now, since 1st January, 1939, called an "order of mandamus".

It is one of the functions of the government departments to draw up regulations to implement Acts of Parliament (by virtue of provisions in the Acts) and to see that these regulations, as well as the terms of the Acts themselves are carried out. It is by this means that they control the local authorities in the exercise of their duties and, to some extent, in the exercise of their powers.

There has been some outcry in certain quarters to the effect that the Government Departments have, in recent years, been encroaching upon the sphere of the Courts of Law, but there is no evidence that they have ever gone beyond their duties as laid down by Parliament, and Mr. J. H. Warren, who, as ex-town clerk and as now general secretary of N.A.L.G.O., has many opportunities of judging, says (in *The English Local Government System*) that, as regards appeals from administrative decisions of local authorities on matters, mostly within the sphere of the protective and regulative services, in which the task of the local authority is quasi-judicial, "local authorities have no such fears about ousting the ordinary Courts from jurisdiction of this kind as agitate the constitutional lawyers. On balance, I think most local authorities prefer appellate jurisdiction of this kind to be vested in the Ministries or special tribunals, rather than in the ordinary Courts". It is to be remembered that an actual question of law can always be brought before the Courts and only a Court of Law can decide it. In this and other cases of a similar description, it would seem that people have been misled by the use of the word "appeal" and by the fact that the procedure is very

similar to that in a Court of Law, though the same rules of evidence and so forth do not apply. A Minister's decision in such a case is not a decision on any point of law. It is either a confirmation or a reversal of a decision by the local authority, based purely on expediency in the interests of the community. In short, the Government Department is not in such cases usurping the position of the Courts of Law, but it is (under powers given it by Parliament) exercising considerable control over the local authority.

Local authorities have power to make by-laws on a number of subjects. The Ministry of Health is responsible for confirming most of these by-laws and issues models which it is held to be desirable that the local authorities should follow. In this respect the Department certainly has power to exercise control over the local authority, but this power does not place the Department "beyond the jurisdiction of the Courts", for the approval of a by-law by the Minister is of no avail if a judge holds that it is illegal. The Home Secretary, the Ministers of Transport and Education, the President of the Board of Trade and the Ministry of Agriculture and Fisheries are also concerned with the confirmation of certain by-laws.

It is certainly the case that the use of model by-laws and the line followed by the departments when by-laws come up for confirmation, tends to bring about a uniformity of by-laws throughout the country. If it is suggested that this means an undue central control, it has to be remembered that by-laws have the effect of creating criminal offences and it would often be extremely inconvenient if an act which was a criminal offence in the area of one local authority were not so in the adjoining area.

In dealing with the controlling powers of government departments, one must not ignore the influence which they can bring to bear on Parliament with regard to Private Bills. As in the case of by-laws, a local authority will usually consult the Department concerned on the clauses of a proposed bill before they actually promote it, in order to see what opposition they are likely to meet with from the government. However, the most effective form of control has undoubtedly been the

power to give or withhold grants-in-aid and that of sanctioning or refusing to sanction loans.

The audit system is a species of control, but properly speaking only to ensure that the financial transactions of local authorities are in accordance with the law. There is now a complete system of trained auditors, appointed by the Minister of Health, covering the whole country, and it is a distinct anomaly that the borough councils are not subject to this independent audit, except for their police and education accounts, unless they are willing to accept it. On this point, Mr. J. H. Warren, in the work cited above, says: "Few public spirited councillors and officers, desirous of accepting every test of healthy administration, would desire anything else than Government audit were it not for what they regard as the unwarrantable powers vested in the auditor . . . who is given the duty of deciding, at any rate in the first instance, whether (the expenditure of the local authority) is reasonable or not". In actual practice, however, this power of the auditor is seldom exercised.

The English system of government inspectors is sometimes talked of as a species of central control, but this is a mistaken view. The inspectors have been well described as "the eyes and ears of the Government" and the main point to be remembered, in looking at this matter from the point of view of central control, is that the inspectors have no executive authority. Even in the matter of public assistance, the inspectors had no power to alter a decision of a local authority and no vote. The education inspectors do not interfere with the real freedom of the schools.

It is certainly the case that the inspectors are warmly welcomed by local officials. They are not looked upon as "nosey Parkers", searching for faults, but as advisers with a wider experience than any local official can hope to possess. Indeed, they exemplify, perhaps more than anything else, the fact that the relation between the central government and the local authorities in Great Britain is not that of an all-powerful controlling authority and its agents, but of partners in an enterprise—namely the carrying on of good administration.

The control over local authorities in Scotland does not



differ widely from that in England and Wales. In Eire, since the separation from England, greater powers of control have been assumed by the central government than was at first thought desirable. Thus, under the Local Government Act, 1941, the "appropriate Minister" (who is usually the Minister for Local Government and Public Health) has very wide powers to make regulations in relation to offices and their holders and can require the holder of any office to resign, if he is satisfied that this is in the public interest. He may also remove from office the members of a local authority which, in his opinion, is not duly and effectively performing its duties. The subjection of local authorities to the Local Appointment Commissioners is described in Chapter IV.

## CHAPTER VIII

### PUBLIC RELATIONS

#### NEED TO STIMULATE THE PUBLIC

Local self-government means the actual participation of the public in the management of their own affairs—government of the people, for the people *and by the people*.

Even though the constitution or the legislation of a country provides the most complete system of local self-government imaginable, its purpose is not attained if the people themselves will not avail themselves of it.

The apathy of the general public in this matter in almost every country is most amazing. In some countries the people are—or, at any rate, used to be—content to be ruled by anyone whom the Government placed over them. In others, where representatives are chosen by the people, comparatively few of the electors exercise their right to vote and fewer of them take any active interest in the subject after the election, except to complain of any defects they may find, or imagine, in the administration and, in particular, to protest against local levies to meet the expense.

And yet, apart from the point of view that people are more likely to know their own needs than can the central government or its nominees, it is a recognized fact that the strength of a nation lies in its local institutions. Many have been the writers, of every nation, who have said that without a free commune (or local authority) there can be no free State.

It is, therefore, of the utmost importance to the country that the local councils shall really represent the community for which they stand, and that they shall not, once elected, hold themselves aloof from the people and carry on the administration without reference to the people's will. They should, on the contrary, keep themselves in the closest touch with the electorate, who should be fully and constantly informed as to the activities and the aims of their council, and should be given

every opportunity of expressing their opinions as to its action or inaction.

This means a constant policy of close relations between the council and the public. The people must be made to understand what local self-government is and must be induced to take an active interest in it. For this, a special form of education seems to be necessary.

This does not mean merely the education of children. In many countries "civics" or "citizenship" has of recent years occupied a place of growing importance in elementary and secondary schools, and that is all to the good. It is, however, not to be expected that children can be interested in such dry facts as the forms of constitution of local authorities or the history of local government. The object in schools should rather be to make the children "citizen-minded".

Adults, however, whether as ratepayers (local taxpayers) or as electors, need to be acquainted with the whole national organization of local government and at the same time, and more particularly, with the fit-up and the activities of their own local authority.

Something in this direction might be done by the central government or by the universities or other public institutions (such as leagues of municipalities or societies for adult education) but the real responsibility rests with the local authorities themselves.

Three countries are outstanding in the action they have taken, and are taking, in this matter—the United States of America, the Union of Soviet Socialist Republics, and Switzerland—though this is not to say that other countries have done nothing.

### U.S.A.

As already indicated, the local councils in the United States are not supposed to be representative of the community in the same sense as those in Great Britain. Their members are too few—and for that very reason it is essential, in the American view, to get the public "reactions" in some other way.

The licence given to members of the public to break in upon the debates of a local council—and sometimes even of a

committee—is an instance of the American attitude towards public participation in local government. The extent to which this is sometimes carried is exemplified by the lament of a city manager at a congress in 1933, to the effect that two or three thousand people habitually attended the meetings of his council and many wanted to speak. It must not, however, be assumed from this that large attendances of the public at council meetings in the United States are usual.

Nor must it be supposed that municipal electors in the United States are more active than elsewhere in recording their votes. Mr. Charles M. Kreier (in *Illustrative Materials in Municipal Government and Administration*) gives Toledo as an instance, quoting from the *Toledo City Journal* of the 4th August, 1923. It is estimated that in that city there were then about 72,000 men and 64,000 women eligible to vote—yet 60,000 to 70,000 men and women in the city had not registered or voted on one public matter in the previous three years. Of those who had registered before the municipal election of 1921, one out of five voted for mayor at the primaries and one-half at the regular election. These figures relate to a single city twenty-five years ago. They may not be typical now, but it is certainly the case that the position generally is not satisfactory.

### *Initiative, Referendum and Recall*

In addition to the right to vote for mayor and councillors and, often, for other officials, the municipal electorate in a large number of states are given direct control of public affairs by the use of the initiative, referendum and recall.

By the initiative is meant the right of a definite percentage of the voters in any municipality to propose charter amendments or ordinances, and to require that these shall be submitted to the people at either a regular or special election. If such a proposal obtains at the polling a majority of the votes actually recorded upon it, it becomes effective. (W. B. Munro. *The Government of American Cities*.)

There are three kinds of referendum: (1) required; (2) optional and: (3) by petition. Under the required referendum, the state constitution, laws or city charter requires certain questions to be submitted to the voters for their approval.

As regards questions other than these, if the council is uncertain as to popular opinion on a measure, they may pass it subject to popular approval under the optional referendum. The petition referendum is a plan by which a given percentage of the voters may protest against a measure which has been passed by the council, and require the question of whether it shall go into effect to be submitted to the electorate (Charles M. Kreier, *op. cit.*).

The recall is a means by which the electorate can remove public officials (including councillors) before the ordinary expiration of their terms. Usually statutory or charter limitations are placed upon the use of the recall for the protection of public officers. In any case, it does not seem to have been greatly utilized, but is looked upon as having considerable psychological effect and giving the public self-confidence in their ability to control public officers.

The initiative and the referendum have been adopted in a large number of states and cities and have been put in practice to a considerable extent. They are most common in the western and southern states.

In many states a county referendum is required on the creation of new counties, changes in the county areas, adoption of townships government, proposed bond issues or the construction of new county buildings. Twelve states allow a general initiative and referendum to counties; the former is seldom acted upon, the latter more frequently. The recall of county and other local officers by popular vote is possible in twelve states, but has been little used.

### *Education in Local Government*

The American public, then, are given many opportunities of expressing their opinion on their local administration. Whether or not they are sufficiently well-informed on local government matters for such opinion, when expressed, to be of value, is a question to which Americans have given much consideration. Many and various methods have been adopted to bring about wider and better knowledge and understanding of local government affairs.

### *Annual Reports*

In the first place may be mentioned the publication of annual reports of local authorities in a form suitable for the purpose, that is to say, such as is likely to attract the attention of, and be easily understood by, the average individual, while at the same time providing the information required to aid the citizens to answer the question whether they are getting their money's worth from the services supplied by the local authority. In order to effect this, the report must be attractive in form, readable, graphic and above all, brief.

The *National Municipal Review* (of U.S.A.) has for many years stimulated the production of annual reports of this nature and the criteria which it laid down are definite and suggestive. These criteria include the following:

- (1) Publication soon after the end of the period covered—six weeks as a maximum.
- (2) Size preferably 6 inches by 9 inches. Fifty pages maximum length.
- (3) Emphasis on more important facts by change of type or by artistic presentation.
- (4) Cover, title, introduction and general appearance should aim to attract the reader and encourage further examination.
- (5) Diagrams and charts effectively presented, a few well-chosen maps and a liberal supply of relevant pictures.
- (6) Short table of contents and organization chart.
- (7) A comparison of past recommendations with the progress toward their execution.
- (8) A summary of outstanding accomplishments and recommendations for the future.
- (9) Statistics, comparative data and financial statements.
- (10) The material should show a complete picture, and each activity should occupy space in proportion to its relative importance.

A large number of American cities issue reports on these lines. Many of them, in addition to the items set out in the above "criteria", give a brief account of the working of each department, with the number of employees, full-time and part-time, and the expenditure in that department. The actual financial position is usually made as clear as possible by means of graphs.

Besides annual reports, short pamphlets or leaflets are often issued, of a "snappy" kind, on some special topic—usually financial.

### *The Press*

The local Press is, of course, much used and every sort of facility is usually given to reporters, who are encouraged to call at the city hall, are given interviews, sometimes twice a day, and who are often supplied with specially written accounts of the council's proceedings.

### *Interviews*

It is not only newspaper reporters who are made welcome at the city hall. The general public, especially in city manager cities, can obtain interviews on any day during office hours. From one-fourth to one-third of the average city manager's time is spent in this way and the larger the city the more time is devoted to it. Moreover, city managers are usually expected to speak before civic and other groups, including rotary clubs, civic and fraternal groups, chambers of commerce, women's clubs, miscellaneous luncheon clubs, church societies, high school groups, parent-teachers' associations, service groups and improvement associations.

### *Open House*

The "open house" is an institution which has had considerable success in a number of American cities. The public are invited to visit the city hall or other municipal buildings, on a certain day or days in the year, in order to see the municipal departments at work. It is usual to arrange exhibits consisting of literature, charts and models, and for the chief officials to attend and explain the work of their respective branches. Motion pictures and radio broadcasts are other methods used to interest the public and to develop closer relations between them and the councils.

### *City Contests*

Another American practice which tends to keep up an interest in local government is that of organizing contests

between cities on different subjects—public health, protection against fire, prevention of motor accidents, diminution in criminal offences, etc. Various organizations are concerned in this. The City Health Conservation Contest is sponsored jointly by the Chamber of Commerce of the United States and the American Public Health Association, points for which marks are given including water supply, sewage disposal, milk supply, prevention and control of communicable disease, community interest and education, the city's record in reducing death rates for the more preventable causes of death, and expenditure for public health services. Regular and special awards are given to one city in each of six population groups. There is also a Rural Health Contest for counties on similar lines.

The National Fire Waste Council, which is affiliated to the Chamber of Commerce of the United States, organizes a contest for which cities enrol through their local chambers of commerce, being graded by a committee on the basis of 40 per cent for reduction in loss or a consistently good fire loss record, 30 per cent for educational activities, and 30 per cent for permanent structural and protective improvements. Here, again, awards are given in each of six population classes.

The National Traffic Safety Contest is conducted by the National Safety Council. Cities are graded on six points; (1) accident record, death-rate and reduction in death-rate; (2) accident reporting; (3) traffic planning; (4) traffic law enforcement; (5) child safety and (6) public education.

The results of contests of this description are always recorded in the annual reports of cities which have taken a high place in the awards. There can be no doubt that they arouse interest among the populations of those cities which compete, and are therefore an important factor in the education of the people in local government.

It may be observed that the average American, no matter in how small a city he lives, looks upon that city as "the hub of the universe" and is apt to contend that in one respect or another, if not in all, it is superior to any other. Nevertheless, to judge from the many and various methods adopted to educate and interest him in local government and thus to



improve public relations, it must be assumed that this local enthusiasm is not as a rule based on a sound understanding of the subject.

### U.S.S.R.

In 1943 M. Kalinin, President of the Soviet Union, said: "Soviets are democratic organs of power. Since they are democratically elected by the local population, it is part of their job to draw the local people into their work. It is the direct responsibility of the leaders to see that the average people, whether they are workers, collective farmers, engineers or office employees, are drawn into the common politics of the State".

This is a development of Lenin's words, quoted by Sidney and Beatrice Webb in *Soviet Communism*: "this apparatus (the soviet system) represents a connection with the masses, with the majority of the people, that is so intimate, so indissoluble, so readily verifiable and renewable, that nothing like it was ever approached in the former state . . . this apparatus, because it is elective, and its personnel is subject to recall in accordance with the will of the people without any bureaucratic formalities, is far more democratic than were the former ones".

Neither Americans nor British can agree with this Russian conception of their own form of government as "democratic", in view of the extreme centralization which has already been described. Nevertheless, it cannot be denied that the opportunities given to the general public both to express their views on and actively to participate in their own local administration are greater in the Soviet Union than anywhere in the world.

The response of the people to the facilities thus given seems to show that there is some special characteristic or quality in their make-up which is not to be found elsewhere. It is not merely that the abstention from voting at elections, which is so noticeable in most countries, does not exist in the Soviet Union—the proportion of electors actually voting is quite usually something between 90 and 100 per cent—but there seems to be a perfect passion for discussing the problems of

local government and an equal readiness to take a part in the actual work, as by the "activists" and other voluntary bodies co-operating with the elected soviets.

The system of public examination of candidates for election to the local soviets has been described in Chapter III. The generality of public interest in the whole matter of local government may be further illustrated by a quotation from Sidney and Beatrice Webb on the subject of village meetings: "these meetings of the village electors are summoned, not merely triennially to elect the *selosoviets* (village councils) but also frequently throughout the three years, often six or eight times within twelve months. These meetings are habitually, though not invariably, held in the evening, and are reported to be numerously attended, often by more than half the total electorate, and not infrequently by nearly as large a proportion of women as men. The discussions range over the whole field of public interests, full expression being given to local desires. So many people wish to speak that the meeting is occasionally adjourned to a subsequent date. Resolutions may be passed for transmission to other authorities, but most of the speaking is directed towards impressing the audience, and especially those members who have been or who are likely to be elected to the soviet; and who are expected to be present and to answer questions. The village meeting may pass resolutions in the nature of suggestions or instructions on any subject whatsoever, addressed either to the village soviet or to any higher authority. . . . Thus, it seems that the working constitution of the USSR—taking, for the moment, only that part of it which lives in the villages and is represented in the pyramid of soviets—is rooted in an almost inconceivable amount of public discussion, in literally a million or two of small local meetings in the course of each year. Whether or not the vociferous debaters at these innumerable meetings get all the attention they desire, the political student will note, not only the amount of political education, but also the sense of continuous participation in public administration that such discussions create" (*Soviet Communism*).

Public activities of this kind are not confined to villages. They are to be found also in the cities. The government of a

capital city usually differs widely from that of others, but the conclusions arrived at by Sir E. D. Simon (in *Moscow in the Making*)—are probably relevant to other cities in the Soviet Union.

"It seems to me," he says, "that the reality behind the government of Moscow may be summed up as follows:

(1) That all important decisions are made by the Central Committee of the Party;

(2) Before deciding any important matter the party generally makes considerable efforts to consult the relevant sections of public opinion and to obtain the best possible expert advice. It has admirable machinery for this purpose;

(3) Once a decision is made all opposition or criticism is ruthlessly suppressed.

(4) Every effort is made to make the process appear as democratic as possible".

Thus, it may be said that in the Soviet Union, subject to the centralization of power, the views and desires of the general public with regard to the administration of their local affairs are given every opportunity of expression, and the relations between the local authorities (soviets) and the public are close, cordial and constant.

## GREAT BRITAIN

### *Existing Apathy*

It is only in recent years that Great Britain has become awake to the necessity of rousing and maintaining the interest of the public in their own local government. This awakening is probably due in the main to the discovery of the small number of votes cast, on the average, at municipal elections. Between 1927 and 1937, in the ten largest cities (other than London), there were only twenty-nine cases in which the electorate polled over 50 per cent of its full strength—and in the counties and rural areas generally the position is even worse. At the L.C.C. election of March, 1946, only 26.4 per cent of the electorate voted. At the election of the Middlesex County Council in the same year, only 284,935 voted out of an electorate of 1,598,346.

There may, of course, be good reasons other than apathy why an elector does not vote, but this apathy at election time is some indication of the amount of interest taken by the electors in their local council. Apart from elections, public interest in the activities of local authorities seems to be almost entirely confined to the amount of the rate. The question what the public get in return for the rate seems seldom to be taken into consideration.

### *Education in Local Government*

There can be no doubt that this is largely due to ignorance—and that by no means only on the part of the less well educated. People of all classes seem to be completely unaware of what is done in the Town Hall or County Hall or any of the other offices of the local authority. The electors of the present day were mostly educated in schools in which nothing was done to make them acquainted with local government in general or with the doings of their own local authority in particular. That state of things is now being remedied. “Civics” or “citizenship” becomes an item in the curriculum of most schools. Children in the higher classes are taken to meetings of town councils and sometimes mock council meetings are held in the schools themselves, with one of the children as mayor and others as chairmen of committees, and subjects of local interest are debated.

### *Council Meetings*

Attendance at council meetings cannot be said to be very attractive in itself, since so much of the business consists in formally approving the reports of committees without any debate. For what it is worth, however, council meetings are as a rule open to the public, but there is certainly one borough (and there are probably other local authorities) which makes no such provision and, curiously enough, the law does not oblige them to do so, except in the case of parish councils.

### *The Press*

The Press, however, have been given the right by statute to attend council meetings and also meetings of the education

committee, as well as those of other committees in certain circumstances. The public, therefore, are able to learn of the activities of the local authority from the local Press. It is found, however, that something more than the mere admission to meetings is needed. Council agenda and reports of committees should be in the hands of the Press well beforehand, and information and explanation of the proceedings and aims of local authorities might be supplied to journalists by officials to a greater extent than is usually the case.

### *Publications*

The *County Councils Association Gazette* and the *Municipal Review* of the Association of Municipal Corporations give information as to the doings of county and borough councils respectively, but it is unlikely that they are largely read by other than members or officials of those councils, and it is improbable that the general public pay much attention to the commercial weeklies dealing with local government, though it would be greatly to their advantage to do so.

Annual reports and other publications are issued by many of the larger towns and some of the smaller, but not by any means on the same lines as in the United States, except in a few instances. Solid matter, in dry official language, at great length is much more usual than the attractive American style. A striking instance of a different kind of publication is a booklet by the city treasurer of Leicester, which contains *inter alia* a pictorial presentation of the fact that, to the average household, the weekly cost of Leicester's educational services, housing and such amenities as parks, baths and street lighting, is little more than the price of a cigarette, a newspaper, a pint of milk, and a pint of beer.

### *Lectures and Exhibitions*

Public lectures on local government are frequently organized, but seldom by the local authority, although instances are to be found. Thus, in Sheffield, in addition to workers' educational classes and so forth, civics is embodied in the annual series of public lectures arranged through the activities of

the libraries committee and the adult education joint committee, which consists of members of the town council, of the education committee, and of trades and technical societies.

Generally speaking, however, this is a matter which has been left mainly to voluntary local organizations, assisted, perhaps, by the Association for Education in Citizenship or by the Workers' Educational Association. The National Association of Local Government Officers (N.A.L.G.O.) has done an immense amount of work for publicity of local government, including the publication of a number of booklets on different aspects of the subject and the organization of "Public Relations Correspondents" in a number of their branches all over the country. A committee of N.A.L.G.O. has put forward a comprehensive policy of public relations for local government, including the institution of public relations committees and public relations officers by, at any rate, the larger local authorities.

"Civic weeks" and "civic exhibitions", of much the same nature as the American "open house", have been organized with success in a number of places. Special mention may be made of an exhibition at Gateshead, which was financed, organized and carried out by the officers themselves, the council merely lending the Art Gallery for it and providing facilities. It ran for a month and was visited by 54,000 people. In addition, the officers prepared and issued to householders 15,000 copies of a 64-page booklet describing the work of the authority, ran eight film shows, which were seen by 2,200 people, and wound up with a big public meeting.

There is no general system of addresses by members of councils to their constituents on the work of the local authority. Occasional instances are to be found, but meetings organized by some group—in particular, the local Labour Party—are more frequent. Of course, at such meetings the policy of the party which calls them will be most in evidence, but as a rule attendance is not confined to members of that party. In one district a "public affairs committee" was set up, composed of representatives of all political parties and other organizations in the area, which arranged, well in advance of the district council elections, for a series of public meetings at which to

give electors a clear and unbiased account of their place in local government.

### *A Wolverhampton Experiment*

Other steps towards the education of the people in local government have been taken in various places. A very happy method of interesting people in the subject was devised by the town of Wolverhampton. This was an exchange of visits by citizens and children of Wolverhampton and Tilburg (in Holland), when the visitors were hospitably put up by persons occupying a similar position to themselves—thus, the Town Clerk of Wolverhampton by the Town Clerk of Tilburg, school teachers by school teachers and so forth—and the municipal organization was studied in all its branches. Other towns have carried out something of the same sort, but here again no general movement of the kind can be recorded.

### *Voluntary Organizations*

There are certain voluntary organizations whose relations with the local authorities are such as to assist substantially in bringing about the desired results. Mention has already been made of N.A.L.G.O., of the Association for Education in Citizenship and of the Workers' Educational Association. The National Council of Social Service is a body on which government departments and local authorities are fully represented and which includes among its functions that of organizing "councils of social service" in the towns and "rural community councils" in the counties. In the case of the former, the mayor for the time being is almost always president of the council, on which sit other members, and perhaps officials, of the town council, as well as representatives of local organizations of all kinds. The rural community councils work in close touch with the county councils, which usually give them grants for educational purposes and also for the encouragement of rural industries and other matters with which they are concerned.

There are numerous other voluntary organizations, national and local, which co-operate with the local authorities in one way or another and receive their recognition and support. It would seem that it is on this line that, for the time being, the

relations of local authorities with the public and the education of the latter in local government are most active, but there is no doubt that there is a growing tendency towards a more general policy.

### *Referendum*

The referendum (as in Switzerland and the United States) does not exist in Great Britain except, on a very small scale, in the parishes. Parish meetings are assemblies of all local government electors in the area, whose primary function, in parishes with over 300 population, is to elect the parish council. Before a parish council can institute street lighting, public baths, burial grounds or libraries, it must obtain a favourable vote by the parish meeting, and the consent of the parish meeting must also be obtained to enable the parish council to incur expenditure necessitating a rate above fourpence in the pound or to raise a loan. This means, in effect, a referendum on the subjects named. The requirement that a public meeting of local government electors shall be held when the council of a borough or urban district propose to promote a bill in Parliament (a species of referendum for that specific purpose) has become such a farce, owing to the non-attendance of electors, that the Royal Commission on Local Government, 1929, recommended its abolition.

### GERMANY

In Germany, both before and during the Nazi régime great efforts were made to interest the general public in their own local government, although they were never given much opportunity—and, under the Nazi régime, none—to play any part in it.

Nevertheless, statistical year-books, weekly or monthly reports and other publications, mostly very dry reading, were issued by a number of towns. The D.G.O. definitely required "publicity" for the communal administration, but it was for the burgomaster to devise and to carry out methods to implement this requirement.

Often public meetings were held, at which the burgomaster gave an account of his stewardship, and in some places,



especially in small communes, evening meetings were held, at which the burgomaster or one of his officials, councillors and ratepayers, discussed the affairs of the commune. In a number of towns, on certain days of the week, one of the councillors or chief officials would grant interviews to citizens in the town hall.

The Press was looked upon as one of the chief media for the information of the public, but newspapers were not allowed to say what they liked, all articles on communal affairs having to be submitted to the municipal publicity department for approval. This would certainly seem to be unsatisfactory from the point of view of freedom of the Press, but it is to be noted that there *was* a municipal publicity department.

#### SWITZERLAND

In consequence of the Swiss "communal assemblies" of the whole body of citizens in a commune, and the institution of the referendum and the initiative, the Swiss people exercise a very direct influence on their local administration.

The communal assemblies are still held in the large majority of Swiss communes and, although it has to be admitted that the attendance is often that of only a minority of the electors, these assemblies do signify the closest relations between the public and the local authorities. In the larger towns such communal assemblies are impossible, but there is provision for a poll on all matters of importance and often on details.

A most interesting institution in Switzerland is that of the annual "youth festivals" in the communes at which those who have attained the age of twenty-one during the year are welcomed as citizens. On these occasions the city of Zurich presents an instructive volume to each new citizen—one for the men and another for the women—while the Federal Government supplies one for other Swiss communes. These volumes are of an attractive, as well as an instructive, character and develop the theme "you are now a citizen, these are your duties and privileges". It is said that this has led to a much larger attendance of young people at the communal assemblies and also to an increase of interest in local self-government on the part of the population generally.

## COMPULSORY VOTING

The Belgian method of dealing with the apathy of the public at elections was to establish the system of compulsory voting. A charge of non-voting is decided by a *juge de paix* without appeal. For a first offence the penalty is a reprimand or a fine of one to three francs. For a second offence within six years a fine of three to twenty-five francs may be imposed. For a third offence within ten years, the name of the offender will be posted for a month as well as a fine inflicted. For a fourth offence within fifteen years, in addition to a fine the name of the offender will be struck off the electoral roll for ten years, during which period he will not be eligible for any appointments or promotion under the central government or under the provincial or communal authorities. Electors who no longer reside in the commune in which they are registered are entitled to free transport on State railways.

It is generally considered, in Belgium, that compulsory voting has led to a greater public interest in local government, since an elector must give some thought to the matter before recording his vote. In view of the absolute secrecy of the ballot, he is free to vote in accordance with his conscience and his interests.

Compulsory voting was established also in Bulgaria, Holland, Hungary and Czechoslovakia. In the latter country a penalty might be inflicted of a fine of from twenty to 5,000 crowns or from one day's to one month's imprisonment, if there were no sufficient excuse. Recognized grounds for excuse were that the elector was over seventy years of age, that he was ill, that he was at least 100 km. distant on the day of the election, that he had urgent professional engagements or that the means of transport were interrupted.

An attempt was made by Kansas City, in 1896, to exact a penalty for non-voting. The question of the constitutionality of such a course being brought before the Supreme Court of Missouri, that Court, after pointing out that there had been no precedent for such legislation in the United States since the revolution, laid it down that "it subverts the principle, and eliminates from our form of government the idea of sovereignty of the citizen, he must be as free, according to the dictates of

his own untrammelled will and conscience, not to exercise it, as to exercise it on any particular occasion; otherwise the right is not sovereign". On the other hand, Art. LXI of the Constitution of Massachusetts runs: "The general Court shall have authority to provide for compulsory voting at elections, but the right of secret voting shall be preserved". (C. M. Kreier, *op. cit.*)

### PROPORTIONAL REPRESENTATION

The advocates of proportional representation claim that elections on this basis result in a fairer representation of the community on a council than does the pure majority vote. Proportional representation, in one form or another, has been put into force in a number of countries, including Belgium, Czechoslovakia, Denmark, Eire, Finland, Holland, Hungary and Switzerland, in Paris, and in a few American cities.

As there are several forms of proportional representation, and they are all somewhat complicated, it would occupy a volume to give a full account. The European countries which have adopted proportional representation mostly use a "list" system, whereas the transferable vote, without lists, is preferred in the United States. A short description will be given of each of these.

Taking the Dutch system as an instance, each list of candidates must be signed by at least twenty-five qualified electors and not more than five candidates above the number of seats to be contested may appear on one list. On the nomination day the lists of candidates are deposited by the burgomaster with the clerk of the council. The total number of votes recorded is divided by the number of council seats and the quotient thus obtained is called the electoral divisor. The number of times the electoral divisor is contained in the number of votes given to a list, determines the number of seats to be allotted to that list. The question which particular candidates have been elected is based on the "electoral list divisor", which is the quotient obtained by dividing the votes cast for each list by the number of seats allotted to the list, those who have obtained a number of votes equal to or greater than this

divisor being declared elected. If any seats remain vacant, they are allotted to those candidates on the list who are best placed in order of nomination. The candidates not elected are placed on a supplemental list in order of merit and, if a vacancy on the council occurs, the successor is chosen from among those on the list to which the late member belonged. This avoids by-elections.

Under the Dutch system the elector first indicates which list of candidates he selects and then may vote for a particular candidate on that list. This is not always the case. In some countries an elector can vote only for a list, the order of names on that list having been drawn up by the body—usually a political party—which prepared it.

The Americans do not favour the list system. The form of P.R. adopted in certain American cities (including New York, Cincinnati, Hamilton and Toledo) is the "Hare" system of proportional representation with the single transferable vote. Candidates—not lists of candidates—are nominated by "petition" by a fixed number of electors. In New York City any 2,000 voters within a borough (New York consists of five "boroughs") who have registered within eighteen months before the filing of the "petition" can nominate a candidate. In Cincinnati the number is 500. The names of all candidates are printed on one ballot paper, and the elector marks the names with numbers only, indicating his first, second and other preferences. The "quota", or number of votes sufficient for election, is fixed in New York City at 75,000. In most other places where P.R. is used, it is the size of the council that is fixed instead of the size of the quota, and a quota is calculated each time so as to elect the desired number of members. When a candidate has obtained the necessary quota, he is declared elected, and any "first choices" which have not been needed to elect him are "transferred" to the second choice, and so on, the vote being given to the first of the voter's choices who is not already elected or defeated.

While the American system of P.R. abolishes party lists, it does not necessarily prevent the use of party names or emblems, although this is the case in most cities which have adopted it.

### PARTY POLITICS

The introduction of party politics into municipal elections has the effect, no doubt, of stimulating the interest of the public at election times. It is, however, very doubtful whether it tends towards good local government. The functions of local authorities are mainly concerned with matters of administration, in connection with which a conservative, a liberal, a labour, a socialist or a communist point of view is immaterial. On the other hand, it must be admitted that questions of policy do arise—e.g., the municipalization of public services—on which the adherents of different political parties hold different views.

There can be no doubt that the extreme to which party politics in local government was carried in the United States—and, to some extent, still exists there—was definitely bad. Under the “spoils system” the substitution of a Republican mayor for a Democrat (or *vice versa*) meant the dismissal of all municipal employees and the appointment of a new batch, whose sole qualification for their posts was that they were of the same political colour as the new mayor. The absurdity of this system is now recognized and, by means of the introduction of the “merit” (or “civil servant”) system, the appointment of city managers, and proportional representation, it is gradually being eliminated.

Nevertheless, to some extent it exists in most countries. In Great Britain elections to town councils are almost always on party lines, those for county and other councils not so frequently. In some cities committees are formed in proportion to party representation on the council, and there is often a “gentleman’s agreement” for the appointment of a mayor representing each of the parties in turn. When, however, the council gets to work, it is seldom that party differences make themselves felt either on the council or on committees, except where genuine questions of policy arise.

According to M. Joseph Barthélemy (*The Government of France*), French “municipal elections are political struggles and the mayor is the head of the winning side; he is a party man from whom impartiality cannot be expected”. No doubt, too, the political character of the appointment of prefect has its influence on both the general council of the department and

the municipal councils. "According to the spirit of the law," says M. Joseph Barthélemy, "elections to the general council must not be political elections. . . . This legal doctrine is, however, completely disregarded in practice". It is to be noted that members of Parliament are very generally also members of a general council and that many are mayors.

At the Belgian communal elections the same parties are to be found as at the parliamentary elections and sometimes, in addition, groups with special interests. The party which gains the majority nominates the aldermen, and the burgomaster, who is appointed by the Crown, is usually chosen from among the majority. When no party has an absolute majority, two or more parties join to form a coalition and share the seats in the aldermanic college. In the important centres, in particular, the political parties take an active part in the communal elections. In some cases party spirit is shown in the appointment of officials and employees.

The position is much the same in Holland. The national parties play a leading part in the communal elections, on the basis of proportional representation, and exercise an important influence on the election of aldermen. It is in many cases a representative of the majority party on the council who is appointed burgomaster (by the Crown), but there is no rule on the subject.

In the city of Prague there were in 1926 (and may be still) some fourteen or fifteen parties, each of which prepared a list of candidates for the municipal elections.

It seems unnecessary to enlarge here on the "one-party" system in the totalitarian States, now defunct. As regards the Soviet Union, it is stated by Mr. Don Brown (*Soviet Local Government*) that "membership of the Communist Party is in no wise obligatory. In fact the Communist Party Central Committee has urged members to give equally loyal support to non-Party nominees who come forward as the people's choice. Quite a high percentage—usually about 35 per cent—of those elected to the village, town, city, Republic and Supreme Soviets are not members of the Communist Party or the Young Communist League". None the less, Mr. Bertram Maxwell is no doubt right when he says (in *Local Government in Europe*):

"It goes without saying that no person who is not known to be unquestionably loyal to the Soviet Government would be elected or tolerated after election".

The post-war local elections in Eastern Europe are all carried out on party lines.

### CORRUPTION AND GRAFT

The public attitude of mind towards corruption and graft in connection with local government is a matter of great moment, for, whatever laws may exist, it is to the attitude of public opinion that the prevalence or non-prevalence of such practices is due. If it is generally understood that people get on to public bodies for what they can make out of it, and if, when a flagrant case of graft is brought to light, there is no general condemnation of the offender, then, of course—and in spite of any laws—the practice will continue.

This has, unfortunately, been very much the case in American cities, but a different spirit is now making its appearance. It would not be safe to say that in any country no instances of undesirable practices are to be found, but in Great Britain, generally speaking, public opinion is on the side of law and order, and this includes a condemnation of any action by a councillor or official which tends to his own personal advantage.

On the continent of Europe it would appear probable that the cheapness and simplicity of the administrative courts and the disciplinary measures exercised over officials by their hierarchical superiors tend to keep the matter in check.

## CHAPTER IX

### WHAT OF THE FUTURE?

THE chaos due to the Second World War bears heavily on the future of local self-government, especially in Europe. As already intimated, under both the Fascist and the Nazi régimes, local self-government was completely eliminated. But it was also suppressed by the Germans in every country which they occupied. Mayors and councils, who were not willing to accept the Nazi ideology, were driven out and their places taken by nominated officials, who were in complete subservience to the Nazi rulers.

The defeat of Germany and Italy may be taken to mean, among other things, that, for the time being at any rate, totalitarianism is dead in those countries. But what is to take its place?

#### GERMANY

According to the policy laid down at the Potsdam Conference, local self-government is to be restored on a democratic basis. In the British zone of Germany, with the view of carrying out this policy, instructions were issued in September, 1945, for the establishment in each commune of a nominated representative council to be responsible for local administration in its own particular area, but subsequently to be replaced by elected councils.

This means, in effect, the establishment, in the British zone of Germany, of the British system of local self-government. On general principles it is unsound to impose upon a country a foreign system of local government, however successful it may have proved in the country of origin. In this case it is, perhaps, unavoidable. It would be difficult, in any event, to drive out the principles of totalitarianism, under which the Germans have suffered for so many years. It would be impossible without having something to put in its place.

The task is, of course, a hard one. The Germans have always been so accustomed to depend upon the rule of officials that it



is not easy to see how they are going to learn to apply the principle of the responsibility of all the citizens in the management of their own affairs. The attempt is being made in the British zone and it is to be hoped that it will prove successful. Local elections have also been held in the other zones, but it is by no means clear what is going to be the form of local government in these. It will be a curious, and certainly an unsatisfactory arrangement, and one which could not last indefinitely, if a different form of local government were to be established in each of the four zones, but there is at present no indication of any agreed system for the whole of Germany.

It is not only a consequence of the war and of the German occupation in so many countries that changes are necessary in most, if not all, local government systems. No such system can be permanent, and owing to the changes which, in recent years, have taken place in such matters as means of transport and communication, social relations, political thought and financial circumstances, it is evident that the time has come, almost everywhere, for a serious and exhaustive examination into the suitability of existing systems.

## UNIONS OF TOWNS

In most countries something of the kind is being carried out by the unions of communes or similar bodies. Before the war these existed in every European country. They represented the views of the administrators themselves, and many of these engaged in research as well as other activities for the benefit of their constituent members. While these activities have been interrupted by the war they are now being everywhere revived, and the question as to the future form of local government in each country will be to a large extent resolved by these bodies.

In the United States the "leagues of municipalities" occupy the same position, so far as the cities are concerned, as the European unions of communes. They exist in almost every state and as a rule are most active in the matter of research, thus preparing for future developments. They are linked together by the American Municipal Association, centred at Chicago, where, in one building, are housed a number of

national organizations connected with local government and local government officials, including the Public Administration Clearing House, whose object is "to facilitate the interchange of information, points of view and experience among organizations of public officials and other groups planning for improvement in the administrative technique of government", and Public Administration Service, with its Consulting and Research Division which furnishes cities, counties, states and the Federal Government with advisory services on a non-profit, fee basis. The latter and many other bodies, including the leagues of municipalities themselves, are constantly engaged on research into the means of improving local government, the results of which are published as reports. In this connection should be mentioned in particular the work of the Committee on Public Administration of the Social Science Research Council, a valuable report on which, by William Anderson and John M. Gaus, was published in 1945.

These American organizations have had the great advantage of grants from the Rockefeller and other foundations, which have relieved them of the financial difficulties encountered in other countries, but it is doubtful how far such grants will be available in the future. In any event, however, there can be no doubt that these institutions will have a great effect on the development of local government in the United States.

The local government associations in Great Britain (the County Councils Association, the Association of Municipal Corporations, the Urban and Rural District Councils Associations) make no attempt to follow the same lines as the American leagues of municipalities or the more active of the European unions of communes. None of these concern themselves with research or civic education. Their contributions towards any suggestions for reform are based on efforts to uphold the interests of their constituent members as against the Government on the one hand and the other local government associations on the other.

The position was much the same in Germany before the national socialist revolution. There were four principal unions, representing respectively the larger cities, the smaller cities, the counties and the rural communes. The first of these unions

—the *Städtetag*—had very fine offices in Berlin, with a staff of some sixty persons, and carried out many more functions than any English body of the same kind. It was, however, certainly the case that the activities of these four bodies were largely devoted to a mutual antagonism, a struggle on behalf of the interests of one class of authority against those of another. This dissipation of energy considerably reduced their usefulness as centres of research. Consequently, in 1933, they were dissolved and the *Deutscher Gemeindetag* was established as the one and only association of local authorities in Germany. Thus it was in a position to carry out research on local government problems and make recommendations in the interests of local government generally and not of any one type of local authority. There was another institution of great importance in this connection—the Local Government Institute in the University of Berlin. Whether or not these institutions will continue to function, one cannot say, but they have certainly issued a number of publications which, even now, might prove of great assistance towards arriving at a sound system of local government for the country.

The British local government associations, as has been already stated, do not devote their attention to these matters. There is, however, one institution in Great Britain which has, thanks to financial assistance from America, been able to undertake some research and might well be expected to do more, namely, the Institute of Public Administration. Pending the establishment of a genuine British Bureau of Municipal Research, it is from that institute that the most unprejudiced views on the future of local government might be expected to come. It is probable, too, that Nuffield College, Oxford, and perhaps the new Administrative Staff College and the Bureau of Current Affairs will, when fully established, take in hand the subjects of civic education and municipal research.

## INTERNATIONAL UNION

The activities of the many national unions of local authorities are greatly assisted, and stimulated, by the International Union of Local Authorities, centred at Brussels. While that body carefully abstains from expressing any views, as a union,

for or against the system of any particular country, it gives to the representatives of all affiliated unions, at its periodical conferences and congresses, and in its publications, the opportunity of comparing notes, and of learning from one another how problems, which are common to all, are solved in one or another country.

The first conference of the International Union after the war met at Brussels in June, 1946. The attendance was not expected to be large under the circumstances, but it proved to be much greater than had been anticipated. The countries represented were Belgium, Bulgaria, Czechoslovakia, Finland, France, Great Britain, Holland, Luxembourg, Poland, Switzerland, Turkey and U.S.A.

The main subject for discussion at this conference was "Communal Autonomy"—in other words, local self-government. Naturally, such an assembly was strongly in favour of the restoration and extension of local self-government, and much valuable information was collected as to the conditions and prospects in different countries. Greatest stress was laid on the financial situation. As it was expressed in a paper from Italy: "Administrative autonomy is not sufficient, the communes must also be granted a financial autonomy which will enable them to meet the expenses involved in the reorganization and renewal of their services as well as the work of reconstruction". So, too, the Belgian report declared the financial question to be the most serious which the communes have to face. "There can be no liberty for communes which are indebted beyond all means of expression, forced to beg unceasingly for financial assistance from the State, no longer able to maintain their highways or to decide on new works of local utility without submitting to the unreasonable requirements which the State attaches to its intervention."

The second question discussed at this conference was that of civic education. The point was strongly emphasized from all sides that local self-government needs the support of an actively interested public and that education in civic affairs is supremely necessary in order to ensure that sense of responsibility of the citizens as a whole, without which local self-government can never be a reality.

## SOUTH AND CENTRAL AMERICA

So far, no mention has been made, in this book, of local government in South and Central America. This has been partly due to exigencies of space. It would have been impossible to refer, under each heading, to the conditions in all these republics, especially as in some of them (e.g. Argentina and Venezuela) each state or province organizes its own system of local government. But there was another reason. The municipal organizations in these countries are based, almost entirely, on the Spanish and Portuguese constitutions of the age of the *conquistadores*, while outside the cities there is practically no local self-government organization at all.

It is true that measures have been introduced in many of these republics in recent years providing for direct election of local councils, but it is questionable how far these are effective. In Ecuador and Peru, says Lilo Linke (*Andean Adventure*), municipal councils should be elected by the citizens. In reality it is usually the government which nominates them, and the *alcaldes*, instead of being representatives of the citizens, become subordinates of the provincial governors.

Another aspect of the difficulty of dealing with the existing situation in these republics is illustrated by a statement made by the National Organizing Commission of the Municipalities in Mexico: "The laws forbid the authorities, whichever they may be, to intervene with fraudulent partisan intention in electoral matters and advises them to observe an honest impartial attitude; but in practice this rule is not obeyed, for all these authorities, as well as the public employees, are members of a political party, which constrains them to act openly in its favour or, rather, in favour of its candidates for the public posts. This has led, at times, to a serious corruption of democratic principles".

A great change is now taking place, thanks to the Pan-American (subsequently called Inter-American) Commission on Municipal Co-operation centred at Havana, Cuba, where the first Congress took place in 1938, at which all the twenty-one American republics were represented. The second Congress took place at Santiago de Chile in 1941, and the third was to be held at Lima, Peru, in the latter part of 1947 or early 1948.

Emissaries of this Commission have visited all these republics, in many of which national unions of cities have now been established, including Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Mexico and Uruguay. The Commission has formed liaison groups with each of these and also maintains very close relations with the American Committee for the International Union of Local Authorities, the American Municipal Association and the Public Administration Clearing House in the United States, and the Canadian Federation of Mayors and Municipalities.

Active organization to establish similar associations in Argentina, Bolivia, Brazil, Costa Rica, Guatemala, Haiti, Nicaragua, Panama, Paraguay, Peru and Venezuela is being carried out by organizing committees appointed by the Inter-American Commission.

The first national assembly of municipalities ever held in Argentina took place in March, 1945, while in the following November regulations were issued for the security of tenure of officials in 102 municipalities. In Brazil the first congress of administration was held in October, 1945, and a national campaign was started which included the holding of regional congresses. Peru has gone yet farther, having passed a law in September, 1945, to establish temporary "municipal boards" (*juntas*), which are to be succeeded by permanent municipal organizations, and a commission has been set up to draft reforms. Venezuela, too, has taken steps towards the establishment of municipal boards.

The national unions which have been formed in these Latin-American countries are showing commendable energy in the consideration of the reforms needed in their municipal organizations. Even if their recommendations, when formulated, are not carried into effect by the respective governments, a public recognition of and interest in local self-government will have been created, which must lead to developments in the future. Moreover, in the new constitutions which are being drawn up, the strengthening of municipal government usually finds a place. It must be said, however, that there is no sign of any movement towards local self-government outside the cities.

**CUBA**

As has just been mentioned, the Pan-American Commission is centred in Havana, Cuba. Its secretary, Dr. Carlos M. Moran, contributed a paper to the Brussels Conference of June, 1946, on municipal autonomy generally and on the particular case of Cuba. This is of special interest, because the Cuban constitution of 1940 is one of the most recent and, in its terms, gives a wide recognition to the principles of municipal autonomy.

Thus, it provides that no local authority can be suspended or dissolved by the President of the Republic, the Governor of the Province, or any other governmental authority, but by the courts of justice alone; that the same principles apply to the decisions or resolutions of any municipal authority; that no law can empower the State to take for itself the proceeds of any municipal tax or other source of municipal revenue without at the same time guaranteeing equivalent revenues to the municipality; it provides for referendum and initiative; it permits municipalities to choose their own form of government and gives them very wide powers, including the establishment of trading enterprises.

It appears, however, that up to the present, the wide municipal autonomy thus provided for has not been realized. Education and police are nationalized. So, too, are public health and public assistance. Transport, lighting and electric energy are in the hands of national commissions. The State has taken over numbers of public services, such as streets, aqueducts, hospitals, etc., paying for them out of State funds and thus depriving the municipalities of their administrative control and also of any revenues arising.

This, says Dr. Moran, is not due to any plan, but to the necessities of the case and, generally speaking, to political influences. He sees no practical remedy except in civic education on the widest scale, inculcating a sense of common responsibility.

It should be mentioned here that one encouraging sign for the future is that in 1939, thanks to the efforts of Dr. Moran himself, it was decided to establish at Havana a Higher School of Public Administration for graduates and public officials, and also, as from February, 1946, a preparatory school of

administration for those who have completed their elementary education.

### BRITISH COLONIES

A trend of importance in the development of local self-government is the line taken by the authorities in many British colonies, especially in Africa. Every effort is being made to encourage the native populations to adopt the principles and to accept the responsibilities involved, the first steps in this direction being usually by way of "indirect rule", that is to say, through the tribal chief. As soon as the community is ripe for it, municipalities are constituted with partially elected councils.

Much the same might be said as regards what was British India, but here the transfer of the central government may affect the local government organization. Nevertheless, the popularity of the revived *panchayats* (village councils) in several provinces, the success of the Local Self-Government Institute of Bombay and the establishment of similar bodies in other parts of India, may prevent any undue disturbance of the promising movement towards responsible representative government of the local communities.

### GENERAL TENDENCIES

The line which developments are likely to take in the older countries of the world, apart from a reform of financial relations between the central and local authorities, is certain to include, as a rule, an enlargement of the areas of local government for some, if not all purposes, and in many cases this will go as far as to transfer certain services from the authorities for local areas to the central government. This, of course, will mean centralization for those particular services, but it does not necessarily mean centralization of local government as a whole. The local authorities in most countries are strong enough to resist successfully any move in that direction which might be made. Even if certain services are taken from them, enough will remain to occupy all their energies and it is probable that new services will be allocated to them which will take the place of those which they have lost. There is unlimited scope for them in this sphere of culture, if they will accept the responsibility.



In the matter of structure of local authorities, it does not appear likely that there will be great changes. What changes do take place will be in the direction of more representative systems where they are needed. It is unlikely that many countries in which the local authorities consist of a "legislative" council and a separate executive will do away with the latter, although British action is directed towards establishing in Germany the fully responsible elected council. There are, on the other hand, some signs that an executive would be favoured in Great Britain.

It is probable that the city manager system will spread in the United States and perhaps in some other countries, but not in Great Britain.

The control over local authorities by central governments seems likely to become more far-reaching. The idea of planning on a national scale leads to this. On the other hand, local authorities in many countries are demanding greater freedom, as was evidenced by the Conference of the International Union of Local Authorities in June, 1946.

## GREAT BRITAIN

Although local self-government has such ancient traditions in Great Britain and there has been, during the last century or so, so much legislation on the subject, culminating in the Acts of 1929, 1933, and 1948, it is certain that further changes are impending.

The Local Government Boundary Commission will certainly effect some substantial alterations in the areas of local authorities and it seems probable that many of the smaller ones will disappear. The recommendations of that Commission in its 1948 Report are very far-reaching.

In view of such possibilities, however, great activity has been shown by those directly interested. Each of the local government associations has issued a memorandum setting forth its views. These, however, are, in accordance with the "aims and objects" of these bodies, mainly directed towards the maintenance and, if possible, the enhancement of the status of the type of authority which they respectively represent.

Two memoranda on the subject take a broader view, those

of N.A.L.G.O and of the Labour Party. These agree in many respects, but there is one point of importance on which they are directly opposed. N.A.L.G.O. is in favour of dividing the whole country into "all-purpose" authorities. The Labour Party consider this view unacceptable, mainly because in rural areas the resources available would be so limited that the area required would be too large for all purposes, with a danger of the structure becoming remote, particularly in relation to purely local services.

In spite of this difference of opinion, N.A.L.G.O. and the Labour Party are agreed that there should be a basis of authorities for local areas, with a regional authority for certain large-scale purposes. Opinions on the form and powers of this regional authority vary considerably.

It would occupy a disproportionate amount of space to dwell upon the many suggestions in these and other publications. It is interesting, however, to observe, especially in view of the fact that a Labour Party Government is now in power, that according to the statement of this party's post-war policy, "Any change in local government structure must vest full authority in the elected representatives of the people. The democratic tradition in local government is very powerful, and nowhere more so than in the ranks of the Labour Movement".

The prospects of an advance in civic education and research, as has been already stated, are favourable.

## FRANCE

The reform of local government is being seriously taken up in France. The Union des Villes et Communes de France has been fully reconstituted with M. Herriot as Président d'Honneur, M. G. Marrane (Mayor of Ivry and President of the French Association of Mayors) as Chairman, and eighteen or twenty mayors among the vice-presidents and members of the general committee. The affiliated members at present represent a population of some ten millions, and include twelve towns with over 100,000 inhabitants and seventy-three with from 20,000 to 100,000.

At the International Conference of June, 1946, an admirable report was presented on behalf of the Union by M. Léo Hamon,

*rapporteur général* of the budget of the City of Paris. M. Hamon stated that the Association of Mayors of France, in November, 1945, passed resolutions in favour of substituting for the Republican commissaries, prefects and sub-prefects a democratic form of administration based on the system of election. In other words, as M. Hamon put it in his speech, whereas central control must continue—and a control which should deal not only with the legal aspect but also with expediency—the representatives of the central government should have only an advisory position, and large discretionary powers should be given to the communes.

The abolition of the prefect as a nominee and agent of the central government with large executive powers would mean an enormous change in the whole local government system of France, and it is difficult to conceive of any government accepting it in the near future. It remains to be seen whether the Association of Mayors and other reformers will be able in time to bring about the changes which they desire.

M. Hamon also laid stress on the financial situation and expressed the view that it would be desirable to adopt something like the English block-grant. There have been suggestions from various quarters that the system of "additional centimes" should be abolished, but there are different views as to what should take its place. In 1931, 1932 and 1933 vast projects of financial reform were not only discussed in Parliament, but were promised by the Government. These promises, however, were carried into effect to but a very small extent.

The new French constitution (of 1946) is likely to make changes in the local government system. It is stated that departmental and municipal liberties will be extended, that, for certain large towns, there will be functional powers and forms of structural organization which will differ from those of the small communes, and that there will be special provisions for certain departments.

## ITALY

Before the advent of Mussolini, the Association of Italian Communes, which was founded in 1901, was a very strong and influential body. It consisted of some 3,000 communes,

including nearly all the provincial capitals. Under the Fascist régime it was suppressed. It is now being revived and is demanding for the local authorities a wider autonomy than that which they possessed under the communal and provincial law of 1915.

Among reforms which have been proposed from one quarter or another, an interesting one (not generally accepted) is the creation of a new territorial entity, larger than the commune, but smaller than the province, to be called a "community". It is a form of regionalism. The communities would be free to form their own organizations. They would be given wide powers in the matter of police, planning, roads and public works and public services, and it would be open to them to provide special schools and to deal with physical education, but, in the opinion of the authors of this proposal, elementary education, the care of public health and public assistance should be nationalized.

The Italian report to the International Conference of June, 1946, while setting out this scheme, also gives the arguments, political and technical, against it. It will be for the Association of Italian Communes, when once again fully in working order, to consider this and any other schemes for the reform of local government. It would seem, however, that the mere fact of the revival of the Association means that in general principle it will be desired to follow the traditional lines, subject to a certain democratization, including, in all probability, the establishment of a referendum.

## BELGIUM

There is one peculiarity in the local government system of Belgium which greatly needs reform—the constitution of its capital city. Few visitors to Brussels are aware that the two principal railway stations, the Gare du Nord and the Gare du Sud, situated at opposite ends of the main business street, and considerably less than two miles apart, are neither of them in Brussels. In fact, the agglomeration known as Brussels consists of seventeen communes, of which Brussels itself, though larger in area and population than any of the others, is not predominantly so.

Certain inter-communal organizations have been set up, but the public services vary considerably in the different communes. Agreements of mutual assistance in the matter of fire protection exist between certain of the communes, but not all these communes have organized fire brigades. Each commune has its own police, and the only unifying provision on this subject, made in 1924, is that the commissioners and police agents of one commune will, at the request of the communal councils concerned, be authorized by the Governor of the Province to act as auxiliary police in neighbouring communes.

Between the two world wars various proposals for remedying this state of things were submitted to Parliament. During the German occupation the whole agglomeration was treated as one commune. Unfortunately, the mere fact that this was done by the Germans has prejudiced many against such unification and it seems probable that this will make the solution of the problem even more difficult than before. A similar problem exists in Antwerp, Charleroi, Ghent and Liège.

Apart from this problem, it is obvious, especially from the proceedings of the General Assembly of the Union of Belgian Towns and Communes in December, 1945, that there is a very strong movement in favour of the reform of local government in that country, mainly in the sphere of finance, for no proposals have been made for an alteration in the structure of local authorities. It was stated at that meeting that, whereas in April 1940, the population of towns and communes affiliated to the Union amounted to 3,500,000, it had increased to over 6,000,000. This is evidence of a growing interest of the public in local self-government.

M. Mast, Belgian reporter to the International Conference of 1946, stated that the burgomaster of Antwerp had tabled a proposition to Parliament designed to abolish the control of the provincial authorities over the larger communes, this control to be transferred to the central government. As M. Mast said, this would mean a saving of time rather than any real increase in communal autonomy.

## HOLLAND

The financial situation of the communes is a serious matter

in Holland. A State commission, with the President of the Union of Dutch Communes as chairman, has recently been set up to examine into the question of "new bases capable of assuring the financial independence of the communes".

There is some fear that the centralizing measures imposed during the German occupation may to a certain extent have taken root. This applies in particular to the question of police.

The report of the Union of Dutch Communes presented to the International Union of Local Authorities in June, 1946, affirmed that the principle of communal autonomy must be maintained intact in the future, and that, besides a reform of the financial situation, there must be established an administrative organization which will allow of the taking of rapid decisions.

#### OTHER COUNTRIES

There is no evidence that in any other European countries there is any tendency towards, or even demand for, substantial changes in the local government system, but practically in all of them there is dissatisfaction at the financial situation.

As already mentioned, it is probable that in Switzerland the "inhabitants" or "political" commune will oust the others, which will mean the one local authority for all purposes in each area. The Scandinavian countries seem quite satisfied with the *status quo*, while Finland is proud of having a really democratic system with wide autonomy for the communes. The Baltic countries, during the period of their independence between the two wars, developed local government systems of a modern type, though Latvia seemed to be tending, if only temporarily, towards the Fascist principle of corporative representation. Their incorporation into the Soviet Union will, no doubt, bring Russian influence to bear, but it has been officially stated that the Soviet system, as a whole, will not be imposed upon them.

Poland is still in too chaotic a condition for it to be possible to see what will be the outcome, in the local government sphere, in the near future. Conditions in the Balkan countries and Greece are not much clearer, and from Spain no information is at present available. All this, however, means that in many

countries careful investigation of the position of local government and preparation for the new régimes are necessary.

The recent development of local self-government in Turkey is of great interest, being mainly of a thoroughly modern and democratic type. It is, however, still possible for mayors to be appointed by the Minister of the Interior or the prefect, although election by the local council is the normal method. Indeed, out of the 602 municipalities, there are seventy-three whose mayors are specially appointed. Moreover, prefects and sub-prefects can occupy the position of mayor. In this and some other respects there may be changes in the future.

As regards the British Dominions, there seems to be a tendency towards reducing the number of *ad hoc* bodies in Australia and New Zealand, but, in Australia, there is also a trend towards centralized authority, owing to the administration of social services through federal officials. Something of the same sort seems to be threatened in Canada. Says the *Municipal Review of Canada* (July-August, 1946): "Even we in Canada are going through a certain trend towards centralization in authority—the housing and public health acts passed by Parliament being administered directly by the Dominion Government, notwithstanding the fact it is the municipalities that are mostly affected". While this extract indicates opposition to centralization in the Dominion Government, an article in the same paper only two months later, commenting on the presentation to the Dominion Government of certain resolutions by the Canadian Federation of Mayors and Municipalities, raises objections to the present position, under which all the power regarding municipalities rests with the provincial authorities. It is suggested that "this is an anomaly to-day when all the social legislation of the Federal Parliament concerns directly the community life of the nation" and the article concludes as follows: "The B.N.A. Act, which was enacted for a rural Canada, cannot be changed too soon—changed in such a manner as to broaden the basis of local taxation, and to allow for more direct connection between the federal and local authorities".

In South Africa there does not seem to be any immediate prospect of local government reform, although it has been recognized as desirable. In the cities municipal government

seems to be on the whole satisfactory, and Mr. John Maud, in *City Government: The Johannesburg Experiment* says that "Johannesburg has reason to hope that the example of her simple system of government may in time influence, and even revolutionize, the peculiarly complicated system which exists in the Transvaal and in the other provinces of South Africa".

Rural local government in South Africa is far less satisfactory. There are no rural local authorities, the matter being entirely in the hands of the councils of the four provinces, whose areas, of course, are much too large for administration to be carried out effectively from the provincial centres. In 1917 a Provincial Administration Commission stated: "there are two alternatives before the provincial councils . . . they should either become or give place to real local government bodies . . . or be definitely constituted as State or provincial parliaments in a federal system". No action has been taken on the report of this Commission.

Mr. Jan Hofmeyr, in an article in *Coming of Age* says that the prevailing sentiment favours the abolition of provincial councils, though not strongly so in Natal and the Free State. The absence of the organs of rural local self-government in the northern provinces is largely due to the opposition to any suggestion which implies the taxation of land.

There is, however, a growing volume of opinion in favour of such taxation and, he says, "the time is coming when it should not be beyond the power of a strong government to tackle the problem".

#### U.S.A.

It is difficult to make any generalization as to the position in the United States, owing to the fact that each state is responsible for its own local government system and to the large and varied number of suggestions for reform put forward by the many research agencies. It has already been stated that the city-manager system seems likely to spread, that there is a considerable tendency towards enlarging the area for certain public services, even so far as to making them a state responsibility, that state control over local finances is being established in a number of states, and that the "merit" system of appoint-



ing officials is rapidly making way. Also, the intervention of the Federal Government in public assistance and other matters considerably affects the local authorities. Says William Anderson (in *Research in Public Administration*): "Most Americans seem to accept the need for a strong central government, but at the same time they wish to preserve all the advantages of self-government in the state and local units".

The very important report of the Urbanism Committee to the National Resources Committee in 1927, entitled *Our Cities*, contains a vast number of recommendations. Of these the following are merely instances, there being more of equal importance and interest:

The Committee recommends the equalization between country and city of all possible material and cultural opportunities.

The Committee approves the policy of continuing the participation of the Federal Government in the financing of a broad public assistance programme with recognition of the needs of those groups not at present included in the social security programme, and recommends a prompt inquiry into the methods for carrying out this policy. There should be a maximum decentralization of administration consistent with reasonable standards of personnel and service, preservation of the local interest and requirements for local participation.

The Committee recommends a national policy which will encourage the states, cities and private agencies to provide, especially for low income groups, adequate recreational and cultural opportunities for personal self-development, free self-expression, and group participation in play, art, literature, science and education for youths and adults.

Municipal authorities should modernize and aggressively enforce their building and sanitary codes and zoning ordinances.

A national policy should be adopted for re-housing the low income groups at acceptable minimum standards, as a co-operative undertaking among Federal, state and local governments and private enterprise. This policy should be designed to stimulate local initiative, recognize local circumstances, and vest the control, save in exceptional cases, in the local authorities.

The Committee advocates a more liberal policy of land acquisition by municipalities.

The National Resources Board, co-operating with state planning boards, should encourage the establishment of local

industrial planning committees in industrial cities and regions in order to foster a selective and balanced programme of industrial development in these areas. Such planning committees should be a part of the official city or regional planning agencies and should contain representation from, and work in co-operation with, industry, commerce and labour.

Recognizing the potentialities of planning as an effective aid in the better use and conservation of our resources, human and material, the Committee urges strengthening and extending the scope of planning on all levels of government and in regional areas.

To enable urban government effectively to discharge its increasing responsibilities, the Committee recommends that state laws and constitutions should be revised and amended in accordance with the most advanced practices in order to:

(a) Permit urban communities to exercise a wider range of home rule powers not only over their own internal organization and arrangement but also over the emerging problems of urban life;

(b) Permit a more flexible classification of cities, and an appropriate distinction between the wider powers essential to urban or metropolitan communities and the less extensive powers required by the remaining local authorities of the state;

(c) Facilitate the elimination in metropolitan areas of atrophied authorities like the township, and foster consolidation and co-operation among local urban governments.

Proper conduct of metropolitan affairs requires an enlargement and development of local government areas, powers and techniques, irrespective of the political boundary lines which criss-cross these complex urban districts.

A comprehensive and thorough-going inquiry should be made by the National Tax Revision Council or other suitable agency of the entire subject of conflicting fiscal policies and taxation as practised by the local, state and Federal governments.

A nation-wide, co-ordinated, long-range programme of planned public works should be developed by the Federal Government working in the closest co-operation with the state and local authorities.

A central agency for urban research should be established as a section in the proposed National Resources Board. In addition to research of its own, the proposed research agency should include

the stimulation of wider research in universities, research institutes, planning boards, and the furnishing of advisory and co-operative services for individuals and public and private bodies.

It will be observed that in spite of the fact that the United States are far ahead of any other country in the matter of research, the Urbanism Committee is of opinion that more "stimulation" is needed. Reference has already been made to the activities of leagues of municipalities in this matter and to the many experiments which are being made by individual cities on the subject of further financial resources and other problems of local government.

#### U. S. S. R.

The possibilities of, and the tendencies towards, local government reform which have been touched upon in this chapter are all related to what may be called the recognized normal methods, upon which, in spite of many variations, the local government systems of the countries referred to have hitherto been based.

There is, however, a new portent which may have a considerable influence in the future—the Soviet system. That system has gone through some vital changes since it was first established. The introduction, in 1937, of direct election for all local authorities was a fundamental change, and it may be that in other respects developments may take place which will assimilate the Soviet system more nearly to the Western idea of democratic government.

For the time being, however, the position is that the proceedings of any local authority may be over-ruled by an authority of a higher grade, up to the central government, which retains complete and absolute control, and which lays down a policy, in great detail, from which no local authority may diverge. No country which has been accustomed to the Rule of Law, under which local authorities "know where they are" is likely to accept this.

Nevertheless there are characteristics in the Soviet system which are well worthy of consideration, some of which might

with advantage, perhaps in modified form, be introduced into the systems of other countries.

Even the strongest supporters of decentralization might see that there is something to be said for national planning in certain respects, subject to safeguards for local interests. In spite of the supremacy of the central Soviet, the local soviets are expected to deal with an incomparably greater number of subjects than the local authorities in other countries and a study of this might lead to the enlargement of the powers and duties of local authorities elsewhere. There is certainly something to be said for the requirement that a candidate for election on a soviet must obtain at least 51 per cent of the votes cast.

But the outstanding feature of Soviet local government is the extent to which the general public are encouraged to express their opinions on all matters of local government and to take an active part in its administration. This includes the continuous and searching examinations by the electors of candidates for election before the actual election takes place, which must, one imagines, lead to the selection of better and more representative members than can any other process.

Indeed, this practice—fully exercised, as it is, by the Russian people—is the most complete and practical form of civic education imaginable. Lectures, meetings, publications may do much to teach people the meaning and value of local self-government, but actual practice does far more. If this can be done in the centralized Soviet Union, where local soviets are merely “local organs of State power”, surely it should be possible in countries in which the principles of decentralization and local-self-government hold sway.

The subject of educating the public in civic affairs has been dealt with in the previous chapter, but the point needs to be stressed that without such education local self-government, and all it stands for, cannot exist.

It is a hopeful sign for the future that, in so many countries, there is now a realization of that fact and a determination to create, or to improve and develop, facilities for civic education, which shall reach all classes of the population, and shall lead them to appreciate the advantages of self-government and to accept and exercise their responsibility as citizens.

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